

PRIVATE ACTS
OF
SHELBY COUNTY, TENNESSEE

REVISED EDITION

COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
INSTITUTE FOR PUBLIC SERVICE
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PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Shelby County will provide a useful reference for county administration in Shelby County.

We are indebted to the Shelby County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

HOW TO USE THE PRIVATE ACTS OF SHELBY COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984; currently LexisNexis) it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

This compilation is updated through the 2012 session of the Tennessee General Assembly.

TABLE OF CONTENTS

PREFACE.	i
HOW TO USE THE PRIVATE ACTS OF SHELBY COUNTY.....	ii
CHAPTER I - ADMINISTRATION.....	1
ADVERTISING BY COUNTY.....	2
BOARDS AND COMMISSIONS.....	3
AGRI - CENTER COMMISSION.....	3
BOARDS OF CENSORS.	5
BOARD OF SHORTHAND REPORTING.	7
COUNTY GOVERNMENTAL LIBRARY COMMISSION.	11
MEMPHIS - SHELBY CO. CONVENTION CENTER COMMISSION.....	14
MEMPHIS - SHELBY CO. PORT COMMISSION.....	21
AUTHORITY TO MERGE.....	30
BUDGET SYSTEM.....	33
BUILDING REGULATIONS.	34
PLUMBING INSPECTOR.	34
CEMETERY REGULATIONS.....	45
CHICKASAW BASIN.	47
CIVIL SERVICE SYSTEM.....	54
CONTRIBUTIONS TO CHARITIES.....	65
COUNTY ATTORNEY.	66
ASSISTANTS.	67
COUNTY CLERK.....	69
COUNTY CORONER.....	71
CORONER - DEPUTIES.	72
COUNTY MAYOR.....	73
COUNTY LEGISLATIVE BODY.	74
APPORTIONMENT OF DISTRICTS.....	85
CHAIRMAN.	87
COMPENSATION.	88
DEPOSIT OF COUNTY FUNDS.....	90
HOLDING OF OFFICE.....	92
COUNTY REGISTER.....	96
COUNTY TRUSTEE.	98
CORRECTION OF ERRORS.....	98
PROPERTY TAX PAYMENTS.....	99
FOREIGN TRADE ZONE.	101
HOSPITALIZATION PLAN.....	102
NEPOTISM.	103
PLANNING COMMISSION.....	104
PROPERTY OF PUBLIC PURPOSES.....	109
PURCHASING.	110
REGULATION OF AUTOMOBILE YARDS.	112
RESTRUCTURING ACT.....	113

RETIREMENT AND PENSION SYSTEM.	136
STATE ASSISTANCE.	138
IDENTIFICATION CARDS.	138
GENERAL REFERENCE.....	139
 CHAPTER II - ANIMALS AND FISH.....	144
ABANDONED ANIMALS.....	145
DOG LAW.....	146
TRAPPING DEVICES.	150
 CHAPTER III - BOND ISSUES.	153
DEBTS.....	154
BRIDGES - ROADS - HARBOR.	155
BUILDINGS - MEMORIALS - INSTITUTIONS.....	156
SCHOOLS.....	159
 CHAPTER IV - BOUNDARIES.....	161
CREATION OF COUNTY.	162
ESTABLISH COUNTY SEAT.....	164
CHANGE COUNTY SEAT.	165
 CHAPTER V - COURT SYSTEM.	173
BOARD OF JURY COMMISSIONERS - JURORS.	174
FOREMAN OF GRAND JURY.	174
CHANCERY COURT.....	178
REORGANIZATION.	178
CLERK AND MASTER.	183
CONTRACT WITH BANKS.	183
CIRCUIT COURT.....	185
ORGANIZATION.....	185
CREATION OF DIVISION V.....	187
CREATION OF DIVISION VI.	189
CREATION OF DIVISION VII.	191
CREATION OF DIVISION VIII.....	193
CLERK.	199
CRIMINAL COURT.....	200
CLERK - DISPOSAL OF ABANDONED PROPERTY.	206
DISTRICT ATTORNEY GENERAL.	209
ASSISTANTS AND CRIMINAL INVESTIGATORS.....	209
DIVORCE REFEREE.	214
GENERAL SESSIONS.....	217
CREATION.....	217
CREATION OF DIVISION V.....	222
CREATION OF DIVISION VI.	224
CREATION OF DIVISIONS VII-XII.	226
DRIVER'S LICENSE IN LIEU OF BAIL.....	233
ENVIRONMENTAL COURT.....	234

TALL TREES YOUTH GUIDANCE SCHOOL.....	236
JUVENILE COURT.	237
CREATION.....	237
PROBATE COURT.....	245
FEE SCHEDULE.....	248
JURISDICTION - ENCROACHMENT ON ESTATES.....	252
JURISDICTION - ESTATES OF MINORS.	254
JURISDICTION - CONTEMPT.	255
JURISDICTION - SALE OF REALTY.....	256
JURISDICTION - WORKMEN’S COMPENSATION.	259
DIVISION II.....	260
PUBLIC DEFENDER.	262
SECRETARIAL ASSISTANCE.....	264
 CHAPTER VI - EDUCATION/SCHOOLS.	 265
AFRICAN-AMERICAN CULTURE AWARENESS.....	266
BOARD OF EDUCATION.....	268
SUPERINTENDENT OR DIRECTOR OF SCHOOLS.	279
GENERAL REFERENCE.....	280
 CHAPTER VII - ELECTIONS.	 281
DISTRICTS - REAPPORTIONMENT.....	282
CIVIL DISTRICTS.	282
 CHAPTER VIII - HEALTH.	 290
CODES.	291
BARBER SHOPS.	291
SWIMMING POOLS.....	294
TRAILERS.....	297
DISPOSAL OF GARBAGE.	302
DISPOSAL OF SOLID WASTE.....	304
HOSPITAL.	306
ADMINISTRATOR.....	306
BOARD OF TRUSTEES.....	308
LEBONHEUR CLUB.	310
SCIENTIFIC AND MEDICAL ASSISTANCE.	311
SEWAGE DISPOSAL.....	312
WATER QUALITY CONTROL.....	316
 CHAPTER IX - HIGHWAYS AND ROADS.....	 323
ROAD IMPROVEMENTS.	324
 CHAPTER X - LAW ENFORCEMENT.....	 329
JAILS AND PRISONERS.....	330
CARE OF CITY PRISONERS.	330
PRISONERS’ WORK ON PARKS.....	331
MILITIA.....	333

OFFENSES.	334
AIR RIFLES.....	334
CURFEW LAW.....	336
DAIRY PRODUCT LABELS.....	338
DESTRUCTION OF WEEDS.....	341
FIREWORKS.	343
GASOLINE STORAGE.	344
SECONDHAND AUTOMOBILE.....	345
WHEEL DISCS.....	347
WRECKER OR TOWING SERVICE LICENSES.....	348
SHERIFF.....	354
CHAPTER XI - PARKS AND RECREATION.	358
NONCONNAH CREEK.....	359
CHAPTER XII - PUBLIC UTILITIES.	361
DISSOLUTION OF DISTRICTS.	362
LATE CHARGES.	364
CHAPTER XIII - TAXATION.	365
DOG LICENSE TAX COLLECTOR.	366
PROPERTY TAX PAYMENTS.....	368
CIGARETTE TAX.	369
HOTEL TAX.....	372
ASSESSOR OF PROPERTY.	379
CHAPTER XIV- ZONING.	385
DISTRICTS - FIVE MILES OF MEMPHIS.....	386
DISTRICTS - UNINCORPORATED AREAS.....	397
JOINT PLANNING COMMISSION.....	404
AUTHORITY FOR ESTABLISHMENT.	404
SUBDIVISION LAW.	407
PARALLEL REFERENCE TABLE.....	411

CHAPTER I - ADMINISTRATION

ADMINISTRATION

ADVERTISING BY COUNTY

PRIVATE ACTS OF 1943

CHAPTER 6

SECTION 1. That the county court in the counties of this State with a population of 350,000 or over, according to the Federal Census of 1940, or any subsequent Federal Census, shall have authority to appropriate in any one calendar year, from county funds, a sum not to exceed Twenty-Five Thousand Dollars (\$25,000) for the purpose of advertising the county in such manner, times, and places as may be selected by the Board of County Commissioners of such counties.

As amended by: Private Acts of 1959, Chapter 56.

SECTION 2. That Chapter 47 of the Private Acts of 1941 be and the same is hereby repealed.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 8, 1943.

ADMINISTRATION

BOARDS AND COMMISSIONS

AGRI - CENTER COMMISSION

PRIVATE ACTS OF 1981

CHAPTER 141

SECTION 1. There is hereby created the Shelby County Agri-Center Commission, the purpose of which shall be to create, plan and supervise the construction and use of the Shelby County Agri-Center, which shall serve as a regional resource and technological center for all aspects of agriculture.

SECTION 2. The Commission shall be composed of seven (7) members, five (5) of whom shall be appointed by the County Mayor of Shelby County with the concurrence of the Board of County Commissioners of Shelby County, one (1) of whom shall be the County Mayor of Shelby County or his designee, and one (1) of whom shall be the Chairman of the Board of County Commissioners of Shelby County or his designee.

SECTION 3. The County Mayor or his designee, and the Chairman of the Board of County Commissioners or his designee, will be ex officio voting members. The five (5) appointed members shall be appointed to one (1), two (2), three (3), four (4) and five (5) year terms respectively, commencing July 1, 1981. At the expiration of this initial term, each term of office shall be for five (5) years. Members may be reappointed, and shall serve without compensation.

SECTION 4. The Commission shall have the authority to create, plan and supervise the construction, maintenance, repair and upkeep of the Shelby County Agri-Center consistent with the purposes of this act.

SECTION 5. The Commission shall have the authority to contract with any nonprofit company or organization for the purpose of leasing the Shelby County Agri-Center and using it as an agri-center for purposes which include the promotion, support and advancement of agriculture and agri-businesses. The terms and conditions of all such leases shall be satisfactory to the Commission. The budget and all pertinent records of any lessee shall be made known to the Commission.

SECTION 6. The Commission shall have the authority to accept any gifts, grants, or loans of funds or financial or any other forms of assistance from the state, federal, or local government, or any agency or instrumentality thereof, or from any other source.

SECTION 7. The Commission shall have the authority to engage the services of attorneys, experts, or other consultants for the rendering of professional and technical assistance and advice.

SECTION 8. The Commission shall have the authority to do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly granted it under this act.

SECTION 9. The Commission's budget shall be approved by the Board of Commissioners of Shelby County. Any money raised by the Commission shall be used for the Shelby County Agri-Center or in furtherance of the activities of its lessee.

SECTION 10. The location of the Agri-Center shall be selected by the Board of County Commissioners, and shall be on property owned or to be acquired by Shelby County.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Board of County Commissioners of Shelby County before July 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Shelby County and certified by him to the Secretary of State.

SECTION 12. If they receive any money from the state, it shall be subject to audit by the state Comptroller of the Treasury.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11.

Passed: May 25, 1981.

ADMINISTRATION

BOARDS AND COMMISSIONS

BOARDS OF CENSORS

PRIVATE ACTS OF 1947

CHAPTER 403

SECTION 1. That Whereas, on January 14, 1921, there was passed by the General Assembly of the State of Tennessee Chapter 54 of the Private Acts of 1921, under the terms of which the charter of the City of Memphis was amended so as to provide for the censorship of theatrical performances and motion pictures in the said City of Memphis; and

WHEREAS, By the provisions of the said Act the Board of Commissioners of the City of Memphis were authorized and empowered by ordinance to prevent the exhibition of immoral, lewd, or lascivious pictures, acts, performances, representations, plays, or pantomimes, subversive of the morals of such city. It was also authorized by ordinance to prevent plays, pictures, pantomimes, or their representations or performances inimical to public safety, health, morals and welfare, and likewise performances, representations, pictures or plays denouncing, deriding or seeking to overthrow the present form of National Government. This power was not extended, however, to prevent the private exhibition of any picture, plays, pantomimes or representations for purely scientific or educational purposes, nor those exhibited by any recognized school, college, seminary, or other educational institution as part of its educational work.

AND WHEREAS, the Board of Censors selected by the City of Memphis, pursuant to ordinance passed by the Board of Commissioners following the enactment of the enabling statute above set out, have functioned very efficiently and have prevented plays, pictures, pantomimes, representations, acts and performances that were subversive of the morals of the City;

AND WHEREAS, the General Assembly is advised and finds that the presently authorized exercise of the police power of the State and that delegated to the Cities of the population and qualifications set out in Chapter 54 of the Private Acts of 1921, is inadequate to protect and safeguard the public health, safety, morals and welfare of residents residing in the County, but residing outside the City or Cities included in the population class aforesaid;

AND WHEREAS, it is therefore now desired to extend the rights of censorship by a properly appointed Board to the entire area of the County of Shelby outside the corporate limits of the City of Memphis;

SECTION 2. That the Quarterly County Court, in Counties having a population of 350,000 or more by the Federal Census of 1940, or any subsequent Federal Census, be authorized and empowered to elect and appoint a Board of three members and to prescribe by proper resolution of the Quarterly County Court the duties, qualifications, terms of office and compensation of the members of said Board, to give them the power to censor, supervise and regulate public exhibitions,

plays, motion pictures, performances, pantomimes, and other representations in any portion of a County having a population as above set out, which is outside the corporate limits of any Municipality having a population in excess of 290,000 by the Federal Census of 1940, or any subsequent Federal Census.

The said Quarterly County Court shall likewise have power by proper resolution to provide penalties for the failure of a proprietor, operator, actor, designer, manager or other person participating in, having control of, or any financial interest in, any such public performance for refusal or failure to obey and lawful order of the said County Board of Censors.

SECTION 3. That the Quarterly County Court shall likewise have power by proper resolution to provide for the suspension of any play, performance or public exhibition for failure on the part of any proprietor, operator, actor, designer, manager, or other person participating in, having control of, or any financial interest in any such public performance, to obey any lawful order of the County Board of Censors, and shall also have power by resolution to provide for the closing of any theatre, hall, opera house, or place, within which any act, play, performance, representation, pantomime, or other public exhibition is given or sought to be given in violation of any of the provisions of any resolution passed pursuant to the authority of this Act, or under any police power of the County, or for failure of any person connected with such performance to obey any lawful order of the said County Board of Censors.

SECTION 4. That the Quarterly County Court is authorized to elect or appoint at its discretion as members of the said County Board of Censors, any individual or individuals who may now or then be acting upon the Board of Censors of the City of Memphis, but is shall not be obligatory, the election of the said Board to be left entirely and solely in the discretion of the Quarterly County Court.

The term of office and compensation, if any, of the said County Board of Censors shall also be fixed by proper resolution and the said Quarterly County Court is authorized to make any necessary appropriations for carrying out of the provisions of this Act.

SECTION 5. That this County Board of Censors shall have no jurisdiction in any part of the County of Shelby which is comprised within the corporate limits of the City of Memphis.

SECTION 6. That if any section or part of this Act for any reason be declared unconstitutional or invalid, the same shall not render invalid the other sections or portions of the Act, but same shall remain in full force and effect.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 25, 1947.

COMPILER'S NOTE: The constitutionality of this act was challenged in United Artists Corporation v. Board of Censors of the City of Memphis, 189 Tenn. 379, 225 S. W. 2d 550 (1949).

ADMINISTRATION

BOARDS AND COMMISSIONS

BOARD OF SHORTHAND REPORTING

PRIVATE ACTS OF 1929

CHAPTER 749

SECTION 1. That the Judges of the Circuit, Chancery and Criminal Courts of the Counties, coming within the provisions of this Act, shall appoint a State Board of Shorthand Reporting, consisting of three persons, citizens of Tennessee, each of whom shall be skilled in the art and practice of shorthand reporting and shall have been actively and continuously engaged as a professional shorthand reporter within the State of Tennessee for at least five years next preceding his appointment, and who shall serve without compensation, except as hereinafter provided.

Said Board shall be so appointed within thirty days after the taking effect of this Act, one for the term of one year, one for the term of two years, and one for the term of three years, who shall hold office until their successors are appointed and qualified.

After the 31st day of December, 1929, the members of said board shall be appointed from among the holders of certificates and licenses issued under this Act.

A vacancy in said board shall be filled by the Judges of the Circuit, Chancery and Criminal Courts of the Counties, coming within the provisions of this Act.

SECTION 2. That the State Board of Shorthand Reporting shall organize by the election of one of its members as Chairman and one as Secretary and Treasurer, who shall hold their respective offices for one year.

The Board shall hold regular meetings for the examination of applicants for certificates and licenses under this Act beginning on the third Monday of June and December of each year, and additional meetings at such times and places as it shall determine, not to exceed one every three months. The December meeting shall be held in the City of Memphis.

A majority of the board shall constitute a quorum, but a less number may adjourn from time to time.

The board shall make such rules and regulations as may be necessary to carry out the provisions of this Act; *provided, however*, that it shall require the concurrence of a majority of the members of the board to grant a certificate and license.

SECTION 3. That before entering upon the discharge of the duties of his office, the Secretary and Treasurer of the board shall give a bond to the State, to be approved by the board, in such sum as the board directs, conditioned for the faithful discharge of the duties of his office. The

premium for such bond shall be paid from the funds paid into the General Funds of the Counties, coming within the provisions of this Act, by the Secretary and Treasurer of the board. Such bond with the approval of the board and oath of office endorsed thereon shall be deposited with the County Court Clerk of the Counties, coming under the provisions of this Act, and kept in his office.

Each month the moneys received by the Secretary and Treasurer shall be paid by him into the General Funds of the Counties, coming within the provisions of this Act, to the credit of a fund for the use of the State Board of Shorthand Reporting.

SECTION 4. That each member of the State Board of Shorthand Reporting shall receive ten dollars for each day actually employed in the discharge of his official duties and his necessary expenses incurred.

The compensation and expenses of the members of the board and the expenses of the board necessary in carrying out the provisions of this Act shall be paid from the fund in the General Funds of the Counties, coming under the provisions of this Act for the use of the board on the requisition signed by the Chairman and Secretary-Treasurer of the board on warrant of the Chairman of the County Court of the Counties, coming under the provisions of this Act, *provided, however*, that said compensation and expenses shall not exceed the amount paid into the General Fund of the Counties, coming under the provisions of this Act.

SECTION 5. That the words "Certified Shorthand Reporter" as used in this Act shall be defined to mean a person who has been adjudged by the State Board of Shorthand Reporting to be competent to report court proceedings, references, commissions, conventions, deliberative assemblies or meetings of like character.

SECTION 6. That a citizen of the United States, or a person who has duly declared his intention to become such citizen, not less than twenty-one years of age, of good moral character, a graduate of a high school, or having received an equivalent education, and who has passed a satisfactory examination, as hereinafter provided, shall be entitled to a certificate and license and shall be styled and known as a "Certified Shorthand Reporter." No other person shall assume such title or use the abbreviation, "C.S.R." or other words of letters to indicate that he is a Certified Shorthand Reporter.

SECTION 7. That each person desiring to be registered as a Certified Shorthand Reporter, as provided in this Act, shall file with the Secretary of said board, upon a proper blank to be furnished by said Secretary, an application, verified by oath, setting forth the facts which entitled the applicant to examination and registration under the provisions of this Act.

At the time of filing the application for such examination, each applicant shall pay to the Treasurer of the board a fee of Fifteen Dollars. Such fee shall not be refunded, but in case of failure at any examination the applicant, after the expiration of six months and within two years, shall have the privilege of a second examination by the board without the payment of an additional fee.

Each applicant shall appear before the board at its first meeting after the filing of his application and pass a satisfactory examination consisting of practical demonstrations and written or oral tests, or both, in shorthand reporting.

Each applicant who shall pass said examination and who shall otherwise comply with the provisions of this Act shall receive a certificate and license as a Certified Shorthand Reporter, and such person may thereafter practice as a Certified Shorthand Reporter and assume and use the name, title and style of "Certified Shorthand Reporter" or an abbreviation or abbreviations thereof, and such certificate and license shall be duly registered in a record book to be properly kept by the Secretary and Treasurer of the board for that purpose.

SECTION 8. That for the purposes of this Act the practice of shorthand reporting is the making, or the attempted making, of a verbatim record, by means of a system of symbols, or abbreviations, of any judicial proceeding, including any record which is intended to be used in any judicial proceeding.

SECTION 9. That no person shall engage in the practice of shorthand reporting in any county of this State to which this Act shall apply, or hold himself out as a shorthand reporter therein, unless he has first obtained a certificate and license from the State Board of Shorthand Reporting, as provided in this Act.

SECTION 10. That any person who shall, within one year after the organization of the board, submit to said board satisfactory evidence as to his character, competency and qualifications, and that he has been actively engaged in the practice of shorthand reporting for more than three years next preceding the date of the passage of this Act, may, in the discretion of the said board, receive a certificate and license entitling him to practice as a Certified Shorthand Reporter.

At the time of filing his application for license, the applicant shall pay to the Treasurer of the board a fee of Five Dollars.

SECTION 11. That whoever represents himself as having received a license as provided in this Act, or practices as a shorthand reporter, or uses words or letters to indicate that the person using the same is qualified to practice in this State as a Shorthand Reporter, without having received such license as provided for in this Act, or whoever represents himself as having received a certificate and license as provided in this Act, or practices as a Certified Shorthand Reporter, or uses the abbreviation "C.S.R.," or any similar words or letters to indicate that the person using the same is qualified to practice in this State as a Certified Shorthand Reporter, without having received such certificate and license as provided for in this Act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-five Dollars and not exceeding Two Hundred Dollars for each offense.

SECTION 12. That wherever in this Act the masculine gender is used it shall be construed as comprehending also the feminine gender.

SECTION 13. That nothing in this Act shall prevent depositions and records intended to be used in a judicial proceeding pending in the courts of any county to which this Act applies from being taken by other than a Certified Shorthand Reporter when such deposition or record is taken outside of the county or counties to which this Act applies.

SECTION 14. That any person engaged in the practice of shorthand reporting as defined in this Act who is not a resident of a county to which this Act applies may be entitled to use the words

"Certified Shorthand Reporter" as defined in this Act upon complying with the terms, provisions and qualification provided in this Act.

SECTION 15. That this Act shall apply only to counties of this State having a population of more than 210,000 by the Federal Census of 1920, and any subsequent Federal Census.

SECTION 16. That if any portion, section, phrase or paragraph of this Act is declared to be unconstitutional or invalid, such declaration shall not affect any other portion, section, phrase or paragraph of this Act.

SECTION 17. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1929.

ADMINISTRATION

BOARDS AND COMMISSIONS

COUNTY GOVERNMENTAL LIBRARY COMMISSION

PRIVATE ACTS OF 1970

CHAPTER 275

SECTION 1. That in each County of the State of Tennessee having a population of not less than 600,000 according to the Federal Census of 1960, and any subsequent Federal Census, there shall be created a Commission to be known as the County Governmental Library Commission, said name to bear as a prefix the name of the county or counties thus affected. Said Commission shall be composed of ten (10) members, to be appointed, two by each of the Judges who has the most total years of service on the Circuit, Criminal, Probate, Chancery Courts and General Sessions Courts, respectively, for a term of two years, on a calendar year basis, provided that said Judges shall initially appoint one-half of said Commissioners to serve through the balance of the calendar year in which this Act becomes effective, and one-half through the subsequent calendar year, so that the Commissioners will thus serve staggered terms. They shall serve without salary, and shall themselves elect a Chairman and Secretary from their members. Each Commissioner shall serve until his successor is appointed. In the event of vacancy in the office of Commissioner, by death, resignation, refusal to serve, or otherwise, such vacancy shall be filled for the balance of said term of two years by the Judge or his successor in office, who made the original appointment of said Commissioner.

As amended by: Private Acts of 1977, Chapter 111.

SECTION 2. That the purpose of said Commission shall be to establish, acquire, maintain and operate a County Governmental Library. Said Commission shall have full power and authority to acquire by purchase, gift, rent, lease, loan, or otherwise, law books, codes, treatises, or other works of law, government, medicine, literature or otherwise, that they may deem necessary or beneficial to the Courts, State, County and Municipal Officials, members of the Bar, and the public, for research or use in the preparation, trial or decisions of any matters that come or may come before the courts of said County and State, or of use by said Public Officials or the public, on questions of law or government; also to acquire in like manner furniture, fixtures, bookcases, supplies and all things necessary to establish, maintain and operate said County Governmental Library; together with the right to employ and discharge librarians, clerks and other assistants, to fix salaries of said employees; and in their discretion to make all reasonable rules and regulations governing the operation and use of said Library. Space in which to house said Library shall be provided by the County in the Court House or other public building of said County, without cost to the County Governmental Library Commission. All books, furniture and other equipment so purchased or acquired shall become the property of said County.

SECTION 3. That for the purpose of financing said Library there shall be taxed as cost on each civil, criminal, quasi civil, quasi criminal, or any other action at law, or suit in equity of any nature, hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit, Criminal, Probate or Chancery Court of said County, the sum of One Dollar (\$1.00), and on any action of any nature hereafter filed in or arising in the General Sessions Court of said county, the sum of four dollars (\$4.00), except that no such cost shall be taxed to the State of Tennessee or said County in actions in which the State or County pays the costs. The costs taxed in pursuance of this Section shall be collected as other costs in such cases are collected by the Clerks of such Courts, and the same shall be designated County Library Tax. On or before the last day of each month the Clerks of the respective Courts shall pay to the County Trustee all amounts collected as County Library Tax in the preceding calendar month. The sum paid to the County Trustee shall be designated County Governmental Library Fund and used only for the purpose set out in this Act. On approval of a majority of the Commission the Chairman and Secretary shall draw warrants on the County Trustee for expenditures of the Commission, indicating on such warrant the fund against which they are drawn, and the County Trustee is hereby authorized and directed, upon all warrants signed by said Chairman and Secretary, to make payment out of said fund upon the warrants so issued and presented in compliance with the provisions of this Act.

As amended by: Private Acts of 1974, Chapter 361,
Private Acts of 1977, Chapter 111,
Private Acts of 1983, Chapter 110,
Private Acts of 1989, Chapter 110,
Private Acts of 1994, Chapter 173,
Private Acts of 1997, Chapter 95.

SECTION 4. That said Commission shall have full power and authority if necessary to provide sufficient operating funds, to assess lawyers and other, except Judges and Public Officials, reasonable dues or charges for the use of said Library, and to make charges for the use, damage or destruction of books or other property, and that any income from said dues or charges shall be paid by the Commission into the office of the County Trustee in a like manner and at a like time as monies collected hereunder shall be paid by the clerks of the various courts to said County Trustee.

SECTION 5. That said Commission shall keep written minutes of their meetings, at which meetings a majority of all members of said Commission then serving shall constitute a quorum for the transaction of business, and said Commission shall keep a record of monies received and disbursed, purchases, loss or destruction of books or other property, and a property inventory, with reasonable accuracy.

SECTION 6. That all laws, or parts of law in conflict with the provisions of this Act, be, and the same hereby are, repealed.

SECTION 7. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court or other legislative body of any county to which this Act may apply. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove the passage of this Act, and the action of the body shall be certified by him to the Secretary of State.

SECTION 8. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 7 herein.

Passed: February 19, 1970.

ADMINISTRATION

BOARDS AND COMMISSIONS

MEMPHIS - SHELBY COUNTY PORT COMMISSION

PRIVATE ACTS OF 1947

CHAPTER 529

COMPILER'S NOTE: Private Acts of 1973, Chapter 144, found in its entirety immediately following this act, is an amendatory act which gives the quarterly county court authority to provide by resolution for the merger of the Memphis and Shelby County Port Commission with the Memphis River Front Harbor Commission.

SECTION 1. That there is hereby authorized and established a Commission to be composed of five (5) members, to be known as the Memphis and Shelby County Port Commission, whose terms of office shall be one, two, three, four and five years, said Commissioners to serve without compensation and to be selected as follows:

The Board of Commissioners of the City of Memphis on nomination of the Mayor of the City of Memphis shall appoint three of such Commissioners, whose terms shall be one, three and five years, respectively. The Quarterly County Court of Shelby County shall elect the other two members, whose terms shall be two and four years, respectively. Upon the expiration of the terms of said aforesaid Commissioners appointed by the Board of Commissioners and on nomination of the Mayor of said City, the then Board of Commissioners and Mayor shall appoint a successor to the Commissioners whose term of office thus expired; and upon the expiration of the term of any of said Commissioners so elected by the Quarterly County Court of Shelby County, the then Quarterly County Court shall elect a successor to the Commissioner whose term thus expired. The term of all Commissioners appointed or elected subsequently the then original members of said Commission shall be two years, and successors shall be appointed or elected from time to time as vacancies occur, as above provided, by the Mayor and Board of Commissioners of the City of Memphis or by the Quarterly County Court of Shelby County.

The members of said Commission shall give bond in the sum of Five Thousand (\$5,000.00) Dollars to the State of Tennessee for the use and benefit of the County of Shelby and City of Memphis, conditioned upon the faithful performance of their duties as such Commissioners. Said bonds are to be in solvent surety companies qualified to do business in the State of Tennessee and having an agent in Memphis, Shelby County, Tennessee, the expenses thereof to be paid from the revenue of said Commission, and as a part of the operating expenses thereof. The Mayor of the City of Memphis and the Mayor of the County of Shelby shall be ex-officio members of said Commission, with the right to vote, but shall give no bond.

The Mayor and Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County shall have the power to fix the qualifications of the members of said Commission; shall have the power to prescribe their jurisdiction and duties and said Commissioners

may be removed at the will and pleasure of the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County without the necessity of a hearing, or notice, and their action in removing any Commissioner shall be final.

The Quarterly County Court of Shelby County shall have full authority to pass resolutions to carry out the aforementioned powers and any and all other or additional resolutions that may become necessary in order to carry out the purposes and provisions of this Act.

The said Commissioners shall qualify and take an oath to uphold the Constitution of the United States and of the State of Tennessee and faithfully to discharge the duties of his office, as soon as practicable after this Act becomes effective, and upon the organization thereof, the County of Shelby is hereby authorized and empowered to vest the management and control of any and all properties devoted to harbor purposes owned by the County of Shelby in the Commission herein authorized, subject to such terms and conditions as may be deemed advisable. The County of Shelby and the City of Memphis are hereby authorized to enter into a contract or contracts with reference to the acquisition by the Memphis and Shelby County Port Commission of all right, title and interest, as well as the assumption of all liabilities of the said County of Shelby, City of Memphis and/or the Harbor Commission of the City of Memphis, or its predecessors, in and to any and all such property owned by said County, City or Harbor Commission of said City, or its predecessors.

As amended by: Private Acts of 1951, Chapter 380.
Private Acts of 1977, Chapter 121.

SECTION 2. That immediately upon the qualifications of the Commissioners of the Memphis and Shelby County Port Commission, the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County shall designate one of the members of said Commission as Chairman, who shall hold office as such during the term for which he is elected a member thereof. The said Commission shall hold regular meetings each month at a definite time to be fixed by resolution of the Memphis and Shelby County Port Commission, and such special meetings as may be necessary for the transaction of business shall be held. A majority of the Commission shall constitute a quorum for the transaction of business at any regular or special meeting. The Chairman shall receive a salary not exceeding \$1,800 per annum, to be fixed by the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 3. That the Memphis and Shelby County Port Commission shall, as soon as practicable after the organization thereof, certify the nomination of the following subordinate officers to the Board of Commissioners of the City of Memphis and to the Board of County Commissioners of Shelby County for approval, and said subordinate officers, after having been approved, shall receive such salaries as may be fixed by the said Port Commission, subject, however, to final approval by the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

(a) A Manager, who may be required to devote his entire time and attention, or such parts thereof as may be required, to the duties of the office, and shall be subject to the supervision and direction of the Memphis and Shelby County Port Commissioners. He shall make and file a bond

in such sum as may be prescribed by said Port Commissioners and shall take the same oath required of the members of said Commission.

(b) A Secretary and/or Treasurer, or both, if deemed necessary, shall have charge and custody of all books, papers, documents, and accounts, and under whose supervision all necessary accounting records shall be kept and all checks and vouchers prepared. The said Commission shall, by resolution, delegate a person or persons who shall sign checks, which shall be countersigned by one of said Commissioners. Said Secretary and/or Treasurer, or both, as the case may be, shall be required to attend, in person or by assistants, all the meetings of said Commission and keep a correct record of all the proceedings of that body and perform such other duties as may be imposed by the said Port Commission. Clerical assistance shall be provided as may be deemed necessary for the work to be properly performed, and a bond or bonds shall be made in such sum as may be fixed by said Commission, and the same oath taken as required of members of the said Commission. The Secretary and/or Treasurer, or both, need not be a member or members of the Commission.

(c) One or more attorneys may be appointed, who shall be practicing attorneys at law, and who shall make and file bonds and take the same oath required by the said Commissioners and Secretary and/or Treasurer, or both, and who shall counsel and advise the Memphis and Shelby County Port Commission in all matters of law which may arise, and whose compensation shall be fixed by said Commission.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 4. That said Memphis and Shelby County Port Commission shall be authorized to employ such other superintendents, engineers, assistants, consultants and other subordinate officers and employees as may be necessary for the efficient operation of said Commission, who shall hold office at the will and pleasure of said Commission and shall receive such salaries as may be fixed by said Commission; provided that no salary shall be fixed in excess of the sum of Three Thousand (\$3,000.00) Dollars per annum, without the consent and approval of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County; and provided further that the said Port Commission shall certify to the said Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County for approval the nomination of all subordinate officers and employees whose salaries shall be fixed in excess of Three Thousand (\$3,000.00) Dollars per annum, but the consent and approval of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County to any salary or nomination shall not be necessary where the salary of any subordinate officer or employee shall be less than Three Thousand (\$3,000.00) Dollars per year.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 5. That the revenue received from the operation of the Memphis and Shelby County Port Commission shall be used as follows:

(1) The net revenue from all properties now owned by the City of Memphis and/or the Harbor Commission of the City of Memphis and used in connection with the purposes set forth herein, shall, until such time as the City of Memphis and the County of Shelby shall agree upon the acquisition thereof by the Memphis and Shelby County Port Commission, as herein provided, be used for the deduction of the outstanding bonded indebtedness, and the remainder, if any, paid into

the general funds of the City of Memphis. Separate records shall be kept of these transactions and the monies and securities shall be placed in separate funds until such time as the said Commission shall acquire such properties as above set forth.

All other revenue received each year from the operation of said Commission shall be used for the following purposes and in the order named:

(a) For the payment of all operating expenses of said Commission, for interest accruals and sinking fund accruals on bonds or mortgages issued by the County of Shelby and City of Memphis for the benefit of said Commission.

(b) For all expenditures incident to the extension and/or developments of said harbor and port as provided for and authorized herein.

(c) Any revenues thereafter remaining shall be paid into the general funds of the County of Shelby and City of Memphis in a sum equal in amount to what would be the City and County taxes on the properties owned by the City of Memphis and County of Shelby and managed and controlled by said Commission.

Said Commission shall have no authority to issue bonds or notes, or any other obligations constituting a lien upon the properties managed, controlled or owned, or hereafter to be acquired by it, except by and with the consent of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

In the event a deficit should result by reason of the ownership, operation, maintenance or development of said harbor and port, the County of Shelby shall pay one-half (½) of any such amount from its general funds, to said Memphis and Shelby County Port Commission.

The County of Shelby shall be authorized to levy and collect, if necessary, an annual tax, in addition to all other taxes authorized by law, for the purpose of paying its part of the expenses, incident to the ownership, operation, maintenance and development of the harbor and port authorized and provided for herein.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 6. That the Memphis and Shelby County Port Commission, in addition to the other duties prescribed for it, shall perform all duties to be performed by the River and Rail Terminal Commission created by an ordinance passed pursuant to the provisions of Chapter 483 of the Private Acts of the General Assembly of 1917; the duties of the Board of Terminal Commissioners created by Chapter 641 of the Private Acts of the General Assembly of 1919; the duties of the Memphis Wharf Master, and also the duties of the Memphis Harbor Commission created by Chapter 513 of the Private Acts of the General Assembly of 1929, as amended by the Private Acts of the General Assembly of 1931, Chapter 479; and shall also perform the duties of any or all other Boards or Commissions which had like or similar powers or duties; all of the rights and powers conferred by the Acts hereinbefore mentioned are hereby transferred to, vested in, merged with and conferred by this Act on the said Memphis and Shelby County Port Commission, except where the same conflict with the terms and provisions of this Act.

As amended by: Private Acts of 1951, Chapter 380.

COMPILER'S NOTE: Private Acts of 1951, Chapter 380, transfers all of the duties set forth in this section from the Memphis-Shelby County Port Commission to the Memphis River Front Harbor Commission.

SECTION 7. That this Act shall not in any way impair any obligations heretofore entered into by the County of Shelby to any person or persons, and shall not change or alter the obligations of any existing contracts, but all contracts outstanding, heretofore made under the existing law, shall be binding upon the County of Shelby and the Memphis and Shelby County Port Commission as herein established.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 8. That the said Memphis and Shelby County Port Commission, subject to such term and conditions as may be provided by action of the Mayor and Board of Commissioners of the City of Memphis, shall have general charge and supervision of the River and Rail Terminals owned and operated by the City of Memphis, and the operation of such railroads, tracks, locomotives, barges, boats and water craft as may be owned and operated by the City in furtherance of its river and rail terminal facilities, together with the general supervision, development, operation and conduct of warehouse, elevators and storage facilities owned and operated in the City of Memphis; provided, however, that this provisions is subject to the terms and conditions of any contract or contracts that may be entered into by and between the City of Memphis and County of Shelby as hereinabove set forth.

Said Memphis and Shelby County Fort Commission, likewise, shall have general charge and supervision of all wharves erected and maintained, or to be erected and maintained within the area hereinafter described, and shall have general supervision of those portions of the Mississippi River and Nonconnah Creek that lie within the area hereinafter described, and the landing, docking, mooring, departure and removal of steamboats, gasoline boats, motor propelled boats, house boats, wharf boats, and other crafts, and the fixing and collection of wharfage and other fees due from river craft within the area hereinafter described.

The said Commission shall have charge, control and management of all property, other than property already devoted, or hereafter to be acquired and devoted to park and flood control purposes, now owned, or hereafter to be acquired by the County of Shelby, City of Memphis or by the said Commission, on those banks of the Mississippi River and Nonconnah Creek lying within the area hereinafter described; shall safeguard, protect and advance the right and interest of the City of Memphis and the County of Shelby in any riparian rights and powers it may have in, on or under the waters and banks of any navigable stream, or any island now owned or that may hereafter be acquired pursuant to the powers herein conferred.

As amended by: Private Acts of 1951, Chapter 380.

COMPILER'S NOTE: Private Acts of 1951, Chapter 380, transfers the powers found in the first paragraph of this section from the Memphis-Shelby County Port Commission to the Memphis River Front Harbor Commission.

SECTION 9. That the power to promulgate and enforce rules and regulations governing the matters and things over which said Port Commission had jurisdiction and control by this Act is hereby expressly conferred on said Commission, and the authorized agents of said Commission shall have police powers, in order to carry out and effectuate the purposes of this Act.

The said Memphis and Shelby County Port Commission shall cooperate with the Mississippi River Commission, an agency of the United States Government, and with all other agencies, public or private, in the development, preservation and utilization of the harbor and port of the County of Shelby and City of Memphis; and the said Commission shall have power to regulate the movement and speed of vessels, to establish anchorage areas, harbor lines and grade of slope of banks and to prohibit filling or dumping in violation of such established lines and grades and to prohibit pollution of harbor waters by the discharge of wastes or oils therein within the area hereinafter described.

The said Commission may collect data, hold hearings, and do all other things necessary to inform itself as to the best method of developing, policing and beautifying and harbor and port of the City of Memphis and County of Shelby, increasing river traffic, building transportation facilities, both by water and rail, into and through the City of Memphis and County of Shelby and furthering industrial development, trade and commerce within the area hereinafter described.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 10. That the said Port Commission shall have the authority and power to purchase, receive by deed or otherwise hold, lease, improve, exchange and condemn as more particularly set forth hereinafter, and/or sell real estate for the development and/or extension of the City of Memphis and County of Shelby port and harbor and the furtherance of commerce and transportation by water, railroad, truck, airplane or other transportation facilities to contract with any person, firm, corporation or agency, public or private, with reference to any of the objects of its creation and in the performance of the duties imposed on said Commission, provided, any purchase, condemnation, lease, sale or exchange of real estate shall first be approved by the Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

Any contract or expenditure for improvements that involve more than Five Thousand (\$5,000.00) Dollars shall be valid only if approved by the Mayor and the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County. Deeds, leases, and other instruments evidencing conveyances, contracts and other obligations of said Commission shall be executed by the Chairman and the Secretary and/or Treasurer of said Commission; and purchasers from said Commission shall not be bound to see to the application or use of any sums paid to said Commission. Any general plan for the development and extension of the City of Memphis and/or County of Shelby port and harbor and the improvement of real estate conveyed to or placed under the jurisdiction of said Commission shall first be submitted to the City of Memphis Planning Commission and/or the County of Shelby Planning Commission, whichever of said Planning Commissions may have jurisdiction, for an advisory opinion.

As amended by: Private Acts of 1963, Chapter 158.

SECTION 11. That the County of Shelby and the Memphis and Shelby County Port Commission are hereby authorized to purchase, or otherwise acquire title to land, easements or

rights-of-way, to be used in connection with the authority herein granted and may likewise condemn any land, riparian rights, easements and rights-of-way under, on or above the ground or water in connection with said harbor and port within the area hereinafter described, as now provided and set out by the mode of condemnation in the statute law of the State of Tennessee.

Said area hereinabove referred to being described as follows:

Beginning at the point of intersection of the center line of the Mississippi River with the center line of the Memphis and Arkansas Bridge and running thence eastwardly in the center line of said Bridge and the center line of E. H. Crump Boulevard to its point of intersection with a northerly projection of the center line of Delaware Street; thence southwardly along said northerly projection of the center line of Delaware Street and along the center of Delaware Street to its intersection with the center line of Wisconsin Avenue; running thence westwardly in the center line of Wisconsin Avenue to its intersection with the center lines of Riverside Boulevard, running thence southwardly in the center line of Riverside Boulevard to its intersection with the center line of Mallory Avenue at the southeast corner of Riverside Park, running thence eastwardly in the center line of Mallory Avenue to its intersection with the center line of Hernando Road, running thence southwardly in the center line of Hernando Road to a point 1000 feet north of center line of Nonconnah River, running thence eastwardly, southwardly and westwardly to an arc of 1000 feet radius (with a radius point at the intersection of the center line of Hernando Road and the center line of Nonconnah River) to a point in the center line of Hernando Road, running thence southwardly in the center line of Hernando Road to its intersection with the center line of Brooks Avenue, running thence westwardly in the center line of Brooks Avenue to its intersection with the center line of Horn Lake Road, running thence northwardly in the center line of Horn Lake Road to its intersection to its intersection with the center line of Peebles Avenue, running thence westwardly in the center line of Peebles Avenue and continuing in the projection of said center line of its intersection with the eastern or southern right-of-way line of the Y. & M. V. Railroad; thence continuing westwardly and southwardly along the south and/or the eastern right-of-way line of the Yazoo and Mississippi Valley Railroad low line or southbound main line to the south line of the County of Shelby; thence westwardly with the south line of the County of Shelby to the center line of the Mississippi River being defined as the state line between Arkansas and Tennessee, running thence northwardly in the center line of the Mississippi River to the point of beginning, save and except that portion of the Memphis River and Rail Terminal which lies within the area hereinabove defined.

Provided, however, the Mayor and Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County, Tennessee, by joint resolution from time to time may redefine the territorial limits of the area over which the Memphis and Shelby County Port Commission has jurisdiction, which area shall not extend outside of Shelby County, Tennessee.

As amended by: Private Acts of 1951, Chapter 380.
Private Acts of 1957, Chapter 118.

SECTION 12. That the said Memphis and Shelby County Port Commission shall, on or before January 30th of each year, and at such other times as may be requested by the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County, file with the Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County a report in writing of its activities of the previous year, together with an accurate account of all its receipts and expenditures. The Mayor and Board of

Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County shall have the right, at all times, to inspect all books, papers and accounts of said Commission, and shall have the right to audit, or cause to be audited, the books of said Commission at such times as they may elect.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 13. That the Quarterly County Court of Shelby County is authorized and empowered to provide and appropriate out of the revenue of said County its proper and proportionate share with the City of Memphis of the funds necessary to carry out the purposes and requirements of this Act.

SECTION 14. That the Memphis and Shelby County Port Commission shall be empowered to fix rates, charges and wharfage, and grant permits for the use of all harbor and port facilities.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 15. That the County of Shelby may enter into any other contract or agreement, not hereinbefore specifically or expressly authorized, with the City of Memphis with reference to any matter which may appear consistent with the provisions of this Act and necessary to carry out the objects thereof and in conjunction with the City of Memphis and/or the Memphis and Shelby County Port Commission, to acquire, lease, erect, construct, make, equip, operate and maintain port and harbor facilities; to sell, rent, exchange or dispose of any property, real or personal, as may seem advisable; to construct docks, wharves, terminals, warehouses and all other necessary port and harbor facilities; to contract with any and all persons, individuals, firms or corporations, including, but not limited to, steamship and railroad companies, with reference to the development of transportation and other utility services and to do and perform any and all other acts which may tend, either directly or indirectly, to promote trade, industry and commerce.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 16. That the development, maintenance and operation of and all matters incident to the ownership of the harbor and port provided for and authorized herein is declared a public government function and no action shall be brought or maintained against the Port Commission or the County of Shelby, on account of any claim arising from or growing out of either one or all of the aforesaid provisions and/or authorizations.

As amended by: Private Acts of 1951, Chapter 380.

SECTION 17. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the parts so held to be invalid, if any.

SECTION 18. That this Act take effect April 1, 1947, except as to the provision authorizing the Mayor of the City of Memphis and the Quarterly County Court of Shelby County to appoint and elect members of the Commission, and at to such provision, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 4, 1947.

ADMINISTRATION

BOARDS AND COMMISSIONS

MEMPHIS - SHELBY COUNTY PORT COMMISSION

AUTHORITY TO MERGE

PRIVATE ACTS OF 1973

CHAPTER 144

SECTION 1. Chapter 529 of the Private Acts of 1947 as amended by Chapter 380 of the Private Acts of 1951 is amended to authorize the Shelby County Quarterly Court by resolution to combine the Memphis and Shelby County Port Commission with Memphis River Front Harbor Commission to be known as the Memphis and Shelby County Port Commission.

SECTION 2. Pursuant to agreement with the city of Memphis, who by ordinance shall authorize the combination of the Memphis River Front Harbor Commission and the Memphis and Shelby County Port Commission, the county of Shelby by resolution of the Quarterly County Court is authorized to provide for the combining of the Memphis River Front Harbor Commission with the Memphis and Shelby County Port Commission and to increase the membership of the Port Commission from five (5) to no more than nine (9) members. The appointment, qualifications, duties, powers, and responsibilities of the new Board shall be fixed by resolution of the Quarterly County Court and all powers of the Memphis River Front Harbor Commission shall be transferred by ordinance of the city of Memphis as authorized by said charter of the city of Memphis to the Memphis and Shelby County Port Commission, who shall have general charge, supervision, management and control over the property under the jurisdiction of the Memphis River Front Harbor Commission and shall have all the powers now granted to the Memphis River Front Harbor Commission as well as the powers of the present Port Commission. Title to all parcels of property, lands or real estate in the name of the city of Memphis or in the name of Shelby County shall be continued in said body as presently titled, unless transferred by contract mutually agreed upon by the city of Memphis and the county of Shelby to the City, to the County, or to a joint ownership, and expenditures and revenues of the Memphis River Front Harbor Commission shall continue as presently provided unless changed by mutual agreement between the city of Memphis and the county of Shelby. Nothing in this act shall impair any obligations heretofore entered into by the Memphis River Front Harbor Commission or its predecessors to any persons, but all contracts outstanding heretofore made under the existing law shall be binding upon the Memphis and Shelby County Port Commission upon the transfer. Further, nothing in this act shall be construed to amend the present powers of the Memphis and Shelby County Port Commission as set forth in Chapter 500 of the Private Acts of 1947 as amended except to authorize said Board to exercise the powers of the Memphis River Front Harbor Commission pursuant to joint resolution and ordinance which may hereinafter be passed.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County, Tennessee, not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 5. This act shall take effect upon becoming a law except as otherwise provided, the public welfare requiring it.

Passed: May 4, 1973.

ADMINISTRATION

BOARDS AND COMMISSIONS

MEMPHIS AND SHELBY COUNTY PORT COMMISSION

PRIVATE ACTS OF 1977

CHAPTER 121

COMPILER'S NOTE: Section 2 of this act amends Private Acts of 1947, Chapter 529, and should be read in conjunction with said act.

SECTION 2. The Mayor of the City of Memphis and the Mayor of the County of Shelby may at their discretion, appoint in writing for a period of at least one (1) year, their designee to serve in the place and stead of the respective Mayors; provided, however, that the Mayor of the City of Memphis shall appoint the Director or an employee of the Division of Public Service of the City of Memphis and the Mayor of the County of Shelby shall appoint the Director or an employee of the Division of Public Works of Shelby County. Said designees shall have all the powers of the respective Mayors which may make such designation as are conferred on said Mayors by this act, including the right to vote. In the event either Mayor's remaining term of office is less than one (1) year, the appointment shall be for that period. The Mayor may at any time personally exercise the right to vote in place of his designee.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County and certified by him to the Secretary of State.

SECTION 4. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 19, 1977.

ADMINISTRATION

BOARDS AND COMMISSIONS

The following act once affected boards and commissions in Shelby County. The following summary is included herein for reference purposes.

1. Private Acts of 1917, Chapter 420, which authorized and empowered the County of Shelby, in connection and by co-operation with the City of Memphis within said county, to construct, own, maintain and operate an Auditorium and Public Market House, was effectively superceded by the Private Acts of 2012, Chapter 75, which changed the name of the facility to the “Memphis Convention Center”, changed the name of the commission to the “Memphis Convention Center Commission” and authorized the Mayor of the City of Memphis to appoint the commission. Shelby County sold all of its interests to the City of Memphis.

ADMINISTRATION

BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by 2/3 vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 et seq. This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds (2/3) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds (2/3) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 15, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

ADMINISTRATION

BUILDING REGULATIONS

PLUMBING INSPECTOR

PRIVATE ACTS OF 1931

CHAPTER 560

SECTION 1. That all plumbing work done outside the corporate limits of any city or town, which provides for the inspection of plumbing in counties having a population of not less than 300,000 nor more than 350,000 inhabitants, according to the Federal Census of 1930, or any subsequent Federal Census, shall be under the control of the Board of County Commissioners and the Plumbing Inspector, hereinafter provided for whenever such Plumbing Inspector shall be appointed by the Board of County Commissioners. Any appeal from the decision of the Plumbing Inspector shall be filed in writing, showing the ground of complaint with the Board of County Commissioners, who shall set a time to hear the same, and give all parties concerned an opportunity to present their contentions before rendering their decision.

SECTION 2. That the Plumbing Inspector shall be a practical plumber, or a sanitary engineer, and shall be appointed by the Board of County Commissioners whenever, in the judgement of the Board of County Commissioners, the appointment of such Plumbing Inspector shall be deemed necessary or advisable.

The salary of said Inspector shall be fixed and paid by the Board of County Commissioners. He shall be under the jurisdiction of the Board of County Commissioners and subject to their control and shall hold office during the pleasure of said Board of County Commissioners.

SECTION 3. That the Plumbing Inspector shall have the right to enter upon any premises containing plumbing or drains at all reasonable hours, while said building in which said plumbing is being installed, is being constructed; or where said plumbing and drainage is being installed to ascertain that the provisions of this Act are complied with, and said Plumbing Inspector is hereby empowered to examine and inspect all such plumbing. He is also empowered to examine and inspect all plumbing within such counties outside the corporate limits of any city or town providing plumbing inspection, and whenever said plumbing shall be found insanitary as set out within the provisions of this Act; he shall condemn the same by and with the approval of the Board of County Commissioners of such county; and the owner, agent, or lessee, of such building shall put the same in proper sanitary condition consistent with, and as set out in this Act as sanitary plumbing, after written notice from the Inspector, and *provided* that the inspector shall not have the right to enter upon any premises where plumbing has already been installed at the time of the passage of this Act.

The Inspector shall be notified when work is ready for inspection and tests; and must examine and approve or reject all work within sixteen (16) working hours from the time of such notification. All work shall be left uncovered for examination after the test is made and the work

is approved by the Inspector and for a period of not longer, however, than the sixteen working hours aforesaid.

SECTION 4. That changes or modifications in approved plans will not be permitted unless authorized by the Inspector. No permit will be issued to any person, firm or corporation, until the plumber or person doing the work shall have made written application for said permit to the Plumbing Inspector. All permits must be taken out before the work is started. Forms of application and permits shall be prepared by the Board of County Commissioners; a permanent record of such shall be kept in the office of the Board of County Commissioners, where the said Plumbing Inspector shall maintain his headquarters.

SECTION 5. That this Act shall apply to all plumbing work in said counties, outside of cities or towns maintaining plumbing inspection, except minor repairs, which shall be construed to mean the repairing of leaks, pipes and traps, forcing out waste or drain pipes, and repairing broken fixtures, but such repairs and alterations shall not be construed to include cases where new vertical or horizontal lines of soil, waste, vent or rain water pipes are proposed to be used, *provided* that in a building condemned by the Plumbing Inspector because of unsanitary conditions no plumbing shall be considered as coming under this head of repairs, but all such plumbing shall be done in the case of new buildings, insofar as specifications are concerned.

SECTION 6. That any Sanitary Inspector, County Health Office, or Plumbing Inspector of said counties, is authorized to take up and return to the office of the Plumbing Inspector all permits found in the possession of persons or firms other than those to whom said permits were issued; and it shall be the duty of said Inspector to report the same to the Board of County Commissioners.

SECTION 7. That all plumbing fixtures shall be installed as open plumbing until inspected. Every dwelling house, hotel, apartment house, tenement or business house, factory, store or other building in which plumbing arrangements are to be placed shall be connected to a sewer or septic tank. The plumbing and ventilation of every building shall be separate and independent from the roof to the outside of the foundation walls; *provided* that private stables may be connected with the house drain. That portion of the house drain which is inside the building and underneath the building and three feet outside of the area of the foundation wall, shall be constructed of what is known in commerce as standard cast-iron pipe and fittings, where stack does not exceed fifty feet in height; where the stack does exceed fifty feet in height, all pipes and fittings shall be extra heavy cast-iron, or galvanized wrought-iron pipe with standard recess fittings. Cast-iron pipe and fittings shall be coated outside and inside with coal tar, varnish or any coating equally as good. Paraffin, rosin, coal tar, putty, gas fitters, or cement will not be allowed in making joints or in covering defects. All pipe must be free from sand holes, cracks or other defects. All defective pipes, fittings and fixtures shall be removed, and all defective work shall be made good so as to conform with the provisions of this Act. Horizontal cast-iron pipes must be supported every five feet by suitable hangers or piers. No hangers of wood or wire will be allowed, and wrought-iron pipes shall be supported every ten feet with hangers. All vertical pipes must be securely tied or anchored at least every two floors by suitable pipe rests. Double hub or double hub lengths will be prohibited on waste line. Saddles or bands will be allowed on soil or vent pipes, subject to the approval of the inspector. There shall be a cleanout at the foot of all stacks and at all angles near the exits of drains from buildings; also every thirty feet in horizontal lines and all placed in accessible location. Drains and soil pipes shall have a uniform fall of not less than one-quarter ($\frac{1}{4}$) of an inch per foot towards the sewer or septic tank.

When such graces cannot be obtained a special permit may be obtained from the Plumbing Inspector for a less fall per foot.

SECTION 8. That septic tanks and disposal systems shall be constructed in accordance with the plans and specifications furnished by the Plumbing Inspector and approved by the Board of County Commissioners, and no system will be allowed to be used until it has been inspected and approved by the Plumbing Inspector. Septic tanks shall be constructed of concrete, brick, or other approved clay products. The minimum working capacity of any tank shall be 450 gallons and the working depth shall be a minimum of four (4) feet. The length of the tank shall be at least one and one-half (1½) times the width in all cases. Inlet and outlet pipes shall be trapped with a quarter bend or long sweep ell, the same size as the outlet and inlet sewers, and traps shall extend not less than 8 inches nor more than 12 inches below the flow line of the tank. All tanks, either of minimum size or larger, shall be constructed so as to provide the minimum capacities specified in the table and to conform with the other requirements of the table or their equivalent, the latter at the discretion of the Plumbing Inspector.

TABLE NO. 1.

“MINIMUM SIZES FOR SEPTIC TANKS.”

Number of Persons	Length Inside Ft. In.	Width Inside Ft. In.	Total Depth Inside Ft. In.	Working Depth Ft. In.	Air Space In.	Gallons Capacity
1-6 Inc.	5-0	3-0	5-0	4-0	12	450
7-8 Inc.	6-0	3-0	5-0	4-0	12	540
9-10 Inc.	7-0	3-0	5-0	4-0	12	630
11-12 Inc.	7-6	3-6	5-0	4-0	12	790
13-15 Inc.	8-0	3-6	5-0	4-0	12	840

Tanks to serve more than fifteen persons shall be constructed in accordance with plans approved by the Board of County Commissioners.

Underground disposal systems of the type using farm drain tile shall be constructed in accordance with the minimum lengths specified in the table:

No. Of Persons	Length of Disposal System
1-6 Inclusive	250 Feet
7-8 “	350 “
9-10 “	500 “
11-12 “	600 “
13-15 “	750 “

Method of construction shall be specified by the Plumbing Inspector and approved by the Board of County Commissioners. Where construction of the type of disposal system using farm drain tile is not practical or where more than fifteen persons are served, the disposal system shall be

constructed in accordance with plans approved by the Board of County Commissioners. All septic tanks and disposal systems must be built by the plumber or person doing the work, to whom the permit is issued.

SECTION 9. That all drains shall be run as direct as practicable and changes in directions shall be made with regular fittings and connections shall be made with Y's, sanitary T's and one-eighth bends. Soil pipes receiving the discharge of one or more closets shall be standard cast-iron soil pipe, the same as specified for drains, and not less than four inches in internal diameter, and continuing undiminished in size through roof or building and not terminating in front of any window or opening and left open at the top, flashing of sheet lead or of sheet copper not less than four pounds or of galvanized iron shall be provided and properly attached where pipes pass through the roof. For two or more water closets a modified circuit or loop vent may be used, where closets are not more than fifty feet from soil pipe stacks that extends undiminished in size through the roof. The circuit or loop vent system may be used on other fixtures than closets when a half S trap shall be used, the crown of the trap to be not more than eighteen inches from the waste fitting, the vent to be continued undiminished in size to roof or main vent stack. Traps and back vents shall be continuous where possible. Where the vent or back vent pipes are continuous and the traps are ventilated through the waste fitting the crown of the trap shall be not more than two feet from the waste fittings; *provided* that in buildings where two or more closets are used a two-inch vent or back vent pipe may be used when the said water closets are not more than fifteen feet from a soil pipe stack of four inches or more than extends undiminished in size through the roof. In no case will one fixture be allowed above the other unless the lower fixture is revented. Lead waste and vent pipes shall not be less weight than the grade known as extra light. Waste pipes shall not be less than one and one-half (1½) inches in diameter except lavatories, which may be one and one-quarter (1¼) inches. The required size of a soil or waste stack shall be determined from the distribution and total of fixture units connected to the stack and in accordance with Table No. 2, except that in water closets, which shall discharge into a stack not less than four inches in diameter.

The following table based on the discharges of a lavatory as a unit shall be employed to determine fixture equivalents.

	Fixture Units
1 lavatory or wash basin.....	1
1 kitchen sink.....	1½
1 bathtub.....	2
1 laundry tray.....	3
1 combination fixture.....	3
1 urinal.....	3
1 shower bath.....	3
1 floor drain.....	3
1 slop sink.....	4
1 water closet.....	6

TABLE NO. 2

“MAXIMUM FIXTURE UNITS ON ONE STACK”

Diam- eter (ins.)	In 1 branch Interval	With “Sanitary T” Inlets	In 1 branch interval	With all 450 Y or “Combination Y and One-eighth Bend” Inlets	Maximum length includ- ing extension as vent Ft.
		On any 1 stack		On any 1 stack	
1¼ _____	1	1	1	1	50
1½ _____	2	8	4	12	65
2 _____	9	16	15	36	85
3 _____	24	48	45	72	212
4 _____	144	256	240	384	300
5 _____	324	680	540	1,020	390
6 _____	672	1,380	1,122	2,070	510
8 _____	2,088	3,600	3,480	5,400	750

1. The term “branch interval” shall be interpreted to mean a vertical length of stack, not less than 8 feet, within which a branch or branches are connected, and the total fixture units on all branches connected to a stack within any 8-foot length shall not exceed the maximum permitted by the table in one “branch interval.”

SECTION 10. That every water closet shall be provided with water from tank or cistern or flushometer and the flush pipe shall be not less than one and one-quarter (1¼) inches in diameter. No plunger, pan or hopper closet shall be used in any building, and when such closets are removed for repairs or other causes they shall not be replaced; *provided*, that hopper closets may be used for yard closets when trap is placed under floor to prevent freezing.

SECTION 11. That every sink, bath tub, water closet, urinal, wash tray or set of wash trays and every fixture shall be separately and independently trapped with an approved water sealing trap placed as near the fixture as practicable. The use of anti-syphon traps will not be allowed except by special permission from the inspector, who will specify the style of trap to be used. No trap shall be placed at the foot of a vertical soil or waste pipe, but traps shall be placed at the foot of all rain water leaders. Rain water leaders, when within a building shall be galvanized wrought iron, standard or extra heavy cast-iron pipe, and, when connected with drain, waste, or soil pipe, must be tested the same as soil pipe.

SECTION 12. That all vent pipes shall extend at least two feet above the fixture served before connecting with the other vent or soil pipe. Vent pipes shall be run as straight as practicable with a grade to avoid trapping and condensation, but in all cases where a vent pipe connects to a soil pipe such connection shall be not less than two feet above the highest fixture. Vent pipes may be run out separately through the roof and flushed the same as soil pipes. The required size of main

vents or vent stacks shall be determined from the size of the soil or waste stack vented, the total number of fixtures drained into it and the developed length of vent in accordance with Table No. 3.

TABLE NO. 3

“MAXIMUM PERMISSIBLE LENGTH OF
VENTS (in feet) FOR SOIL AND WASTE STACKS”

Diam- eters of soil or waste stack (inches)	Number of fixture units	Diameter of vent in inches							
		1¼	1½	2	2½	3	4	5	6
1¼		45	--	--	--	--	--	--	--
1½	Up to	8	35	60	--	--	--	--	--
2	Up to	18	30	50	90	--	--	--	--
2½	Up to	36	45	45	75	105	--	--	--
3		12	--	34	120	180	212	--	--
3		18	--	18	70	180	212	--	--
3		24	--	12	50	130	212	--	--
3		36	--	8	35	93	212	--	--
3		48	--	7	32	80	212	--	--
3		72	--	6	25	65	212	--	--
4		24	--	--	25	110	200	300	340
4		48	--	--	16	65	115	300	340
4		96	--	--	12	45	84	300	340
4		144	--	--	9	36	72	300	340
4		192	--	--	8	30	64	282	340
4		264	--	--	7	20	56	245	340
4		384	--	--	5	18	47	206	340
5		72	--	--	--	40	65	250	390
5		144	--	--	--	30	47	180	390
5		288	--	--	--	20	32	124	390
5		432	--	--	--	16	24	94	320
5		720	--	--	--	10	16	70	225
5		1020	--	--	--	8	12	58	180
6		144	--	--	--	--	27	108	340
6		288	--	--	--	--	15	70	220
6		576	--	--	--	--	10	43	150
6		864	--	--	--	--	7	33	125
6		1296	--	--	--	--	6	25	92
6		2070	--	--	--	--	4	21	75

SECTION 13. That the whole system of drain, waste, soil and vent pipes shall be made tight and tested with water. This test shall be made by closing the end of the house drain and all other fixture outlets and filling the entire system with water to the opening on the roof. If the system is

tested in sections, the test shall be applied by plugging all the openings except the opening at the top of the section, and each section shall be filled with water. No section shall be tested with less than a 10-foot head of water. This test shall be made by the plumber in the presence of the inspector. All defective pipes or fittings shall be removed and all defective work made good so as to conform to the provisions of this Act.

SECTION 14. That no person shall cover or cause to be covered any house sewer or other connection with a sewer, or septic tank, without due inspection and approval of the same by the Plumbing Inspector.

SECTION 15. That all persons whose property is served by a septic tank or plumbing improperly installed and constituting a nuisance, shall upon notice in writing from the Plumbing Inspector make proper and permanent provision for the correction of said condition and the abatement of said nuisance within fifteen (15) days, such correction to be done under the provisions of this Act.

SECTION 16. That the Board of County Commissioners shall be and is hereby authorized to provide a scale of fees to be paid by property owners for services of the Plumbing Inspector, such scale to be reasonably sufficient to cover the cost of services rendered; but all fees shall belong to the county.

SECTION 17. That any person violating any provisions of this Act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars for each and every violation of same, and each day's failure after notification shall constitute a separate offense.

SECTION 18. That all laws or parts of laws in conflict with the provisions of this Act be and are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 23, 1931.

ADMINISTRATION

BUILDING REGULATIONS

PRIVATE ACTS OF 1935

CHAPTER 724

WHEREAS, in counties of this State having 300,000 or more inhabitants by the Federal Census of 1930, population has become more congested, especially in the unincorporated areas surrounding incorporated cities and towns; electric service has been generally made available for purposes of generating power for the use of farm machinery, for lighting homes, barns and other structures, for cooking and other domestic uses, the use of natural gas made available in unincorporated areas, and modern plumbing works, plants and means for the disposition of sewage are commonly erected in such unincorporated areas; and

WHEREAS, The regulation of the building, construction, repair and maintenance of such modern facilities, in order to protect the public safety, health and general welfare is not now provided for:

SECTION 1. That all counties in this State having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, are hereby authorized and empowered in all unincorporated areas in such counties to prevent the erection, maintenance or occupancy of buildings, structures or premises dangerous to persons or property and to remove them when erected without their consent; to regulate the manner of building buildings, structures, signs, or parts thereof, whether of a permanent or temporary nature; to regulate the construction, repair and maintenance of stove pipes, flues, gas pipes and other like works in all buildings and on all premises, for the purpose of preventing fires and the spread thereof; to regulate the business of electricians and electrical work, and to enforce efficiency in the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated; to regulate waterworks and water systems whether publicly or privately owned; to regulate the disposition of sewage and waste so as to preserve the public health; to regulate and control plumbers and plumbing works, and to enforce the efficiency of the same, and to that end to pass all regulations necessary to carry out and enforce the powers hereby delegated.

SECTION 2. That for the purpose of enforcement of such regulations such counties are hereby empowered to create the offices of Building Commissioner, Electrical Inspector and Plumbing Inspector; to provide for the appointment of such inspectors, and to fix their duties and compensation, and to contract with incorporated cities and towns in such counties for the services of such City Inspectors having special skill in the inspection of buildings, electrical, plumbing and water works under such conditions as may be agreed upon between the public officials of such counties and cities, to the end that City Inspectors may be made ex-officio or otherwise county inspectors.

SECTION 3. All regulations adopted pursuant to the authority hereby conferred shall affect only the unincorporated areas of such counties, and shall not be held to abrogate or abolish any

general or special Act of the General Assembly authorizing incorporated cities or towns to regulate such works, nor to affect any regulations enacted in any incorporated cities or towns lawfully enacted touching the subject matter of this Act.

SECTION 4. That the regulations herein provided for may be adopted by the Quarterly County Court of such counties by resolution, and may be adopted at any regular or special meeting of such Quarterly County Courts. In order to carry out the provisions of this Act, such Quarterly County Courts are hereby authorized and empowered to appropriate monies to carry out the provisions of this Act, and to provide for the compensation of the inspectors and other officers whose duty it shall be to enforce the provisions thereof.

SECTION 5. That any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than One (\$1.00) Dollar nor more than Fifty (\$50.00) Dollars, for each offense; and each day that any violation of any such provisions or regulations shall continue shall be deemed a separate offense. Violations of the provisions of this Act or any of the regulations lawfully adopted pursuant thereto, shall be deemed to come under the provisions of the Small Offense Law, and Justices of the Peace and committing Magistrates of the county shall be held to have jurisdiction to hear and try the persons accused of violations thereof.

COMPILER'S NOTE: The minimum fine set under this section has been superseded by Private Acts of 1955, Chapter 198.

SECTION 6. That in case any building or structure works or instrumentality is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in violation of the provisions of this Act or of any regulation or provisions enacted or adopted by any Quarterly County Court under the authority granted by this Act, such body, the county attorney, the county inspector of such works or any other officer or board of the county, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1935.

ADMINISTRATION

BUILDING REGULATIONS

PRIVATE ACTS OF 1955

CHAPTER 198

SECTION 1. That the purpose of this Act is to confer authority to the quarterly county court in counties having a population of 480,000 or more by the Federal Census of 1950, or any subsequent Federal Census, if they elect and deem it expedient so to do, to provide a means whereby and because of the density of population they may create, provide and establish rules and regulations governing the construction of all buildings, plumbing, sewerage and electrical wiring placed in or on any building or the premises thereof, outside the corporate limits of any city or town situated therein, and all things incident to and connected with buildings, in the erection and remodeling thereof in said counties, the issuing of licenses therefor, the inspection thereof and the penalty for the violation of any rules and regulations thus made by said quarterly county court.

SECTION 2. That the quarterly county court of such counties as are affected by this Act shall have the power to pass a resolution to create, provide and establish rules and regulations governing the construction of all buildings, plumbing, sewerage and electrical wiring, which said rules and regulations shall be in conformity with the requirements of health department of such counties.

SECTION 3. That such rules and regulations thus created, provided or established by the quarterly county court of such counties as are affected by this Act shall not apply to the area within the corporate limits of any city or town within such counties.

SECTION 4. That any person, firm or corporation violating, or who shall aid or abet in the violation, of any of the rules and regulations created, provided or established by the quarterly county court of any county affected by this Act shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) for each and every violation thereof, and where the offense is of a continuing nature each day shall constitute a separate offense.

SECTION 5. That this Act shall become effective when the same shall have been approved by the quarterly county court of any county to which it may apply by a vote of not less than two-thirds of the members of said court, such approval to be made by said court within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1955, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said quarterly county court shall be certified by the Chairman of the said court to the Secretary of State.

SECTION 6. That all laws and parts of laws in conflict with this Act be, and the same hereby are repealed.

Passed: March 3, 1955.

ADMINISTRATION

BUILDING REGULATIONS

COMPILER'S NOTE: Private Acts of 1931, Chapter 560, provided for standard sanitary plumbing regulations and inspection in Shelby County.

For all practical purposes, the provisions of Private Acts of 1931, Chapter 560, have been superseded by Private Acts of 1935, Chapter 724, which created the offices of plumbing inspector, building commissioner, and electrical inspector, and the provisions of Private Acts of 1955, Chapter 198, which gives the quarterly county court authority to establish building regulations for all construction, including plumbing, sewerage and electrical wiring. Chapter 198 contained a general repealer clause, but Chapter 724 did not. These three acts can be found on the preceding pages of this chapter.

Private Acts of 1974, Chapter 260, the Restructuring Act for Shelby County, went into effect on January 1, 1976, placed building inspection, electrical inspection and plumbing inspection under the division of public works. That act can also be found in this volume.

ADMINISTRATION
CEMETERY REGULATIONS

PRIVATE ACTS OF 1925

CHAPTER 405

SECTION 1. That hereafter no cemetery shall be established, nor shall any existing cemetery be enlarged, in any county in this State having a population of 220,000 or more persons by the Federal Census of 1920, or any subsequent Federal Census, unless and until such establishment or enlargement shall have been approved by the Quarterly County Court of such county, and by the Quarterly County Court and legislative body of any incorporated city in such county, if such cemetery shall lie within such incorporated city, or within five miles of the corporate limits of such city. Any person, firm, corporation or association intending to lay out a cemetery, or enlarge an existing cemetery within such county, shall first file a verified petition with the Quarterly County Court or with such court and the legislative body of any incorporated city within such county, as the case may be, setting forth the plans for such cemetery, by whom to be owned, operated or conducted, the general plan for the operation of such cemetery, which shall be accompanied by maps or plats showing its location and subdivision, and the boundaries thereof.

If the Court or legislative body passing on such petition shall find that the location and plan of such cemetery conforms to all laws and ordinances regulating cemeteries, and to the general plan of such city or town, or extension thereof, if it lies within such city or town or within five miles of the corporate limits thereof, or to the general plan of the county if it lies therein but beyond five miles of the corporate limits of any incorporated city or town; and that the location and operation of such cemetery will not injure, affect or interfere with the public peace, health, safety, comfort and general welfare, consideration being given to the character of the district where such cemetery is to be located, or enlarged, the peculiar suitability of such location for cemetery uses, the conservation of property values, the direction of building improvement, the congestion on public highways, and further extensions of public streets, highways, sewers, water mains and instrumentalities of public service companies, then it shall be the duty of the Quarterly County Court and legislative body of such incorporated city or town to approve the location and plans for the laying out or enlargement of such cemeteries; otherwise such plan or plans shall be disapproved and rejected.

SECTION 2. That the term "Cemetery" as used in this Act shall be held to be a plot or parcel of ground in or on which more than ten human bodies are buried; and where ten or less persons are buried in a particular plot or parcel of ground, the same shall not be held or deemed to be an existing cemetery. If it be desired to extend or enlarge any cemetery where ten or less persons are now buried or to increase the number of dead persons buried in such plot or parcel of ground to more than ten, then, in either such event, the consent and approval of the Quarterly County Court, or the Quarterly County Court and legislative body of any incorporated city or town, as the case may be, shall be first had and obtained, as upon application for the opening of a new cemetery.

SECTION 3. That it shall be unlawful to lay off, establish, operate, sell lots in, or permit the burial of the dead in any cemetery established, laid out or enlarged after the passage of this Act

unless and until the approval of the county and municipal authorities shall have been secured as hereinbefore set out. And any county or city, or any person aggrieved by the establishment of a cemetery or enlargement of an existing cemetery in violation of the provisions of this Act may file its or his injunction bill to restrain the same in any court of competent jurisdiction; and any court now or hereafter having general jurisdiction of injunction bills shall have jurisdiction and power to enjoin the establishment or enlargement of a cemetery in violation of the provisions of this Act, and to abate as a public nuisance the use of any land for cemetery purposes in violation of the provisions of this Act.

SECTION 4. That if any court of competent jurisdiction shall hold that the regulatory powers herein and hereby delegated to legislative bodies of incorporated cities and town is invalid, in whole or in part, such holding shall not affect the regulatory powers herein and hereby delegated to the Quarterly County Court. And if any clause, paragraph or part of this Act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the balance of the Act, as the General Assembly would have passed this Act with such invalid part elided.

SECTION 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 6. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1925.

COMPILER'S NOTE: This act was considered in Lawrence Mensi v. Will Walker, 160Tenn. 468, 26 S.W. 2d 132 (1929) and was found constitutional.

ADMINISTRATION

CHICKASAW BASIN

PUBLIC ACTS OF 1973

CHAPTER 409

SECTION 1. There is hereby created the Chickasaw Basin Authority, as a public body corporate, politic, and perpetual, which is hereinafter referred to as the "Authority".

The Authority is created to implement the project as presently planned and as may be modeled by future studies. The Authority shall not exercise any broad governmental controls or police powers to regulate land use planning, zoning, subdivision regulations, building codes, and similar powers to regulate land use.

SECTION 2. It is the intent of the General Assembly that the various counties and cities of the state who are members of the Chickasaw Basin Authority and within the designated area have the most effective and efficient means of organizing themselves on a regional basis for the purpose of general and comprehensive water resources planning and development activities to provide coordinated, efficient and orderly development of the surface water management plans and projects within the area as established by the Chickasaw Basin Authority programs and all approved amendments thereto. Such development shall include all recreational and conservation developments adjacent to any water management project. It is the intent that local governments through the Authority be guided and assisted in making maximum use of coordinated federal, state and local programs designated to stimulate the development of all water and land resources within the drainage area of the Wolf and Loosahatchie Rivers and Nonconnah and Horn Lake Creeks. It is the further intent of this act, that in order to insure the success of such regional planning and development the state may provide financial assistance to the Authority for such purposes as are approved by the General Assembly. The Chickasaw Basin Authority and the counties and municipalities within the designated area are authorized to request, develop, maintain and make available to the residents of such counties and municipalities the recreational and conservation areas adjacent to any approved project within the area of the Chickasaw Basin Authority.

SECTION 3. The organization of the Authority shall be as follows:

(1) The Authority shall be governed by a board of directors.

(2) Membership of the board of directors shall consist of:

(a) The presiding officer of the county legislative body or his authorized representative and one other member from the county legislative body in each County which is a member of the Authority. The terms of such members shall coincide with their terms of office; but such membership may, at the discretion of the respective county legislative body, be rotated annually.

(b) The chairman or his authorized representative and one member of the Council of the City of Memphis. The terms of such members shall coincide with their terms of office; but such membership may, at the discretion of the Council, be rotated annually.

(c) One member at large, to be appointed by the Governor to serve during the Governor's term of office.

(d) The Mayor of Shelby County, Tennessee, or his authorized representative.

(e) One member from each county soil conservation district board of supervisors from each county which is a member of the Authority, as established under Tennessee Code Annotated, Sections 43-1501 through 43-1523, as amended. The term of such member shall coincide with his term of office on the district board; but such membership may, at the discretion of the district board, be rotated annually.

(f) The Mayor, or his authorized representative, of each incorporated municipality within counties which are members of the Authority.

(g) No person shall be appointed to the board by any legislative body or the Governor who has an interest, either indirect ownership or through a trustee, in real property which is to be acquired by the Chickasaw Basin Authority. Any person not eligible for appointment due to the preceding prohibitions who accepts such appointment shall be subject to the penalties set forth in Tennessee Code Annotated Sections 12-401 and 12-402. Whenever public officials who are members of the board by virtue of office including: the presiding officer of the county legislative bodies in each county which is a member of the Authority, the chairman of the council of the city of Memphis, the mayor of Shelby County, Tennessee, and the mayor of each incorporated municipality within counties which are members of the Authority, are not eligible to serve as a member of the board due to the provisions of this subsection, the legislative body of the respective county or municipality shall elect an authorized representative to serve in place of said public officials.

(3) (a) Upon completion of its membership, the appointees shall meet and organize at Memphis, Tennessee, elect a chairman, vice-chairman, and secretary-treasurer, and set a regular time and place for meetings of the board. The officers of the board of directors shall be elected annually at the first meeting of each calendar year.

(b) Directors and ex-officio members shall serve without compensation, except reimbursements for actual traveling and other expenses incurred in the performance of their official duties subject to such funds as may be available to the Authority and with the approval of their respective elected legislative bodies. All reimbursements for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general. The Authority shall act only by vote or concurrence of majority of a quorum of its membership; and a quorum shall be not less than one-half (½) of the members of the Authority.

As amended by: Public Acts of 1976, Chapter 806.
 Public Acts of 1976, Chapter 847.
 Public Acts of 1980, Chapter 757.

SECTION 4. The powers, duties and functions of the Authority shall be as follows:

(1) to have perpetual succession in corporate name.

(2) to sue and be sued in corporate name.

(3) to adopt, use and alter a corporate seal, which shall be judicially noted.

(4) to enter into contract and cooperative agreements with state, federal and local governments, with private individuals and cooperations, and with associations and organizations as the board may deem necessary or convenient to enable it to carry out the purposes of this act. This Authority shall include, without limitations, the power to contract and make cooperative arrangements with the adjoining state of Mississippi, including cities, counties, and other public agencies within that state, for planning, land purchase and acquisition, construction, operation and maintenance of all works related to water resources, development, conservations, and open space. It is the intent of this provision that the Authority have full powers to operate across state lines subject only to contractual agreements with private, governmental and public bodies and agencies.

(5) to adopt, amend and repeal by-laws.

(6) to appoint such managers, officers, employees, attorneys, and agents as the board deems necessary or convenient for the transaction of its business and to fix their compensation, define their duties, and require bonds of such of them as the board may determine.

(7) to accept grants, funds, and other assistance from any governmental agencies, private agencies and individuals, and to spend these in behalf of the program.

(8) to investigate and study all water and related land resources of the Chickasaw Basin for overall planning and development.

(9) to adopt a comprehensive plan for development of the water, land and related land resources of the Chickasaw Basin area which will include, as a minimum, the identification of the projects, works and facilities needed to protect, enhance and accelerate the orderly growth, safety, welfare and development of the area. Such plan shall take into account the plans and proposals adopted by other local, state and federal agencies dealing with water and related land resources development, conservation, and control, and shall be compatible with plans of the Memphis-Delta Development District. Special consideration shall be given to projects and work related to the U. S. Corps of Engineers, the U. S. Soil [sic] Conservation Service, and the U. S. Department of Interior.

(10) to execute contracts with existing agencies involved in regional planning and development for providing combined staffs and operating personnel, including the Mississippi-Arkansas-Tennessee Council of Governments, and a development district organized under Tennessee Code Annotated, Sections 13-1401 to 13-1411.

(11) to prepare preliminary architectural and engineering plans for specific projects and works of the authority.

(12) to prepare detailed architectural and engineering plans and specifications for specific projects and works related to water resources and related land development, flooding, navigation, harbors, conservation, water quality and open space.

(13) to arrange and cooperate with any city, county, state or supplier of utilities for the abandonment, relocation, or other adjustment on the roads, highways, bridges and utility lines and services.

(14) to acquire by purchase or by gift, all land or interest in land, including easements, rights-of-way, and leasehold interests and facilities within the area needed for construction of water control structures, channel improvements, and facilities for navigation, drainage, irrigation, water conservation and supply, recreation, fish and wildlife conservation and open space. The Authority may hold, mortgage or otherwise encumber, sell, lease, or sublease such land or interest in land or easements deemed to be in the public interest. During the time that title to such property is held in public ownership, it shall be exempt from all taxes levied by the state and all political subdivisions thereof, and all other property and activities of the Authority shall be similarly exempt. The authority may lease or rent privileges in or upon any property under its control upon such terms and conditions as it deems to be in the public interest.

(15) The power of eminent domain for Authority purposes shall be exercised by cities and counties within the area and within their discretion. The governing bodies of cities and counties are hereby authorized through the power of eminent domain to acquire all lands, or interests in land, and facilities within the area needed for construction of water control structures, channel improvements and facilities for navigation, drainage, irrigation, water conservation and supply, recreation, fish and wildlife conservation, and open space. All such interests in land shall be acquired by the cities and counties in their name for the use and benefit of the Authority. Interests in land may be acquired, including leasehold interests and such may be held, mortgaged, or otherwise encumbered, sold, leased, or subleased in behalf of Authority purposes. The power of eminent domain may be exercised by the governing bodies of such cities and counties under the provisions of Tennessee Code Annotated, Sections 23-1501 through 23-1541, and shall include the power to condemn land in fee simple and to condemn water rights easements, and any other interest in real estate for general public purposes. During the time that title to such property is held in public ownership, it shall be exempt from all taxes levied by the state and all political subdivisions thereof.

(16) to build construct, operate, manage, lease and maintain all works, facilities and programs needed for water controls, channel improvements, navigation, drainage irrigation, water conservation, water quality, water supply, recreation, fish and wildlife conservation and open space.

(17) to fund jointly with the State of Tennessee, the planning, acquisition of land and facilities, construction, operation, management and maintenance of all works, facilities, and programs needed by the Authority.

(18) to fix, levy and collect fees, rents, tolls or other charges for the use of or in connection with any works or programs that shall be administered by the Authority and with the provisions of any bond issue which may be issued under this act.

(19) to develop reservoirs and shoreline lands for recreational use; and to provide for their operation.

SECTION 5. The Authority shall have the powers with respect to finance as follows:

(1) The Authority shall be an entity for purposes of general state obligation bond financing. The Authority shall have the power to issue its bonds from time to time in consultation with the state of Tennessee. Any bond issue wherein the general obligation of the state of Tennessee is attached must first be approved by the General Assembly of the state, and provision made for amortization of both principal and interest for a period not to exceed forty (40) years. The Authority shall present to the General Assembly its needs with regard to specific bond issues together with evidence that the legislative bodies of the counties and municipalities have appropriated or issued bonds sufficient for matching purposes and its estimate of annual revenues to be received therefrom. Specific bond issues shall describe the purpose, land, works, or improvements to be accomplished and their location.

(2) The state of Tennessee is hereby authorized to match funds raised by such local governments for the purposes authorized under this act. The state is authorized to match funds raised by such local governments for Authority purposes either through issuance of bonds or on pay-as-you-go basis, or a combination of the two, with the local governments providing their share of the costs through local appropriations of such funds by their respective legislative bodies. Bonds shall be issued in the usual manner that state bonds are authorized and sold after the approval of such bond issue by the General Assembly. In scheduling improvements, the Authority shall make maximum use of federal grant funds from any federal program for which it is eligible.

(3) It is the legislative intent that this act authorizes the five million dollar (\$5,000,000.00) bond issue as approved by the 87th General Assembly and the Governor, for the purposes of the Chickasaw Basin Authority as created by this act. The Authority bond issue of the 87th General Assembly as provided in Chapter 794 of the Public Acts of 1972 is hereby ratified and approved.

(4) The State of Tennessee is hereby authorized to match funds raised locally to provide for the operations of the Authority, including costs of administration, planning, engineering, program development and administration, land acquisition, equipment and other capital improvements and bond financing and amortization.

(5) Each city, town, or county within the area is hereby authorized and empowered to contribute to the work of the Authority any amount which each respective governing body, acting in its sole discretion, shall approve to be paid from the general fund of the respective city or county or shall issue its general obligation bonds for and on behalf of the Authority.

(6) By October 1 of each year, the Authority shall transmit to the Commissioner of Conservation of the State of Tennessee an estimated budget with a request for an amount to be included in the Governor's budget recommendations for the next fiscal year. Such budget shall include the estimated administrative, operation, and maintenance expenses and shall include appropriate justification for such requested appropriation. Such amount, or other amount as deemed appropriate by the Commissioner and approved by the Governor, shall be included in the budget request transmitted to the General Assembly. It is the intent of this act that the Authority shall be operated as a state agency subject to all fiscal requirements and procedures which apply to other state departments and agencies, and subject to joint local funding as stipulated in this act.

SECTION 6. The board of directors of the Authority shall report annually to the governing bodies of the various counties, cities, and towns in the area and to the state of Tennessee. Such reports shall include, but not be limited to, statements of financial receipts and expenditures, a summary of activities and accomplishments for the period, and proposed plans for the next year, and for five subsequent years.

SECTION 7. Nothing in this act shall be construed as interfering with existing contracts or works of improvements currently underway by state and local governments, or with works of improvements that are undertaken independently from the Authority and the state, if such works are not in conflict with basin-wide plans for control of water, recreation and conservation.

SECTION 8. Any one county, individually, or in combination with one or more counties, may undertake works of improvements as provided for in this act with the Authority and the state, if such works are not in conflict with the basin-wide plans for control of water. A majority of the members of the board of directors representing such county wanting to act individually, together with the member-at-large, as provided for in Section 3 (2) (c), shall be sufficient to make all decisions and take action for the board with regard to works of improvements for such county.

SECTION 9. Upon the final acceptance from the contractor of any specific project on the Chickasaw Basin Plan, the governing body or bodies of the county or counties wherein the project is physically located may, at their option require the Authority to relinquish the control and operation of the project to the county provided that such county shall thereafter be fully responsible for the cost of maintenance and operation of such revenues as might be pledged to the payment of obligations theretofore incurred by the Authority.

SECTION 10. The Authority shall develop its programs and plans for implementation in close cooperation with the existing county soil conservation districts as established under Tennessee Code Annotated, Sections 43-1501 through 43-1523, and county conservation boards as established by Tennessee Code Annotated, Section 11-1101 through 11-1109, so that such districts and boards shall be joint-sponsors of individual projects or works of improvements as related to small watersheds in individual counties.

SECTION 11. The provisions of this act shall apply to Shelby and Tipton counties for the purpose of implementing the programs established herein; and any or all of these counties are hereby expressly authorized by the General Assembly to participate in the programs established. However, prior to participation in such programs the Quarterly County Courts of Shelby and Tipton counties shall express their desire to participate in the programs, by means of a resolution to that effect, passed by each or all of the respective local legislative bodies of the counties involved. The resolution shall be approved by a two-thirds ($\frac{2}{3}$) vote of such legislative bodies within one hundred twenty (120) days of the date this act becomes effective.

Any county to which this act applies which has elected or elects to participate in the programs authorized by the act may withdraw from participation therein by resolution to that effect adopted by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of such county. However, such withdrawal shall not relieve such county of any of then existing obligation on account of bonds or other evidence of indebtedness incurred by such county on account of its participation in the programs of the authority and such obligation shall continue until discharged by the county.

As amended by: Public Acts of 1976, Chapter 847.

SECTION 12. All agencies of the state of Tennessee are hereby authorized and directed to extend their cooperation and to lend assistance to the Authority in the formulation and implementation of a development program.

SECTION 13. This act shall be considered supplemental and additional to any and all other laws and confers sufficient authority in and of itself for the purposes set forth herein. This act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Chickasaw Basin. All laws and parts of laws in conflict herewith are hereby repealed. Chapter 412 of the Public Acts of 1971, Chapter 566 of the Public Acts of 1972 and the amendments thereto are hereby repealed.

SECTION 14. If any clause, sentence, paragraph, section or any part of this act shall be held or declared to [sic] unconstitutional and void, it shall not affect the remaining part or parts of this act, it being hereby declared to be the legislative intent to have passed the remainder of this act notwithstanding the part or parts, if any, held to be invalid.

SECTION 15. This act shall take effect on becoming a law, the public welfare requiring it.

As amended by: Public Acts of 1976, Chapter 847.

Passed: May 2, 1973.

COMPILER'S NOTE: The Chickasaw Basin Authority was first created by Public Acts of 1971, Chapter 412, which was amended by Public Acts of 1972, Chapter 506. Both of these were repealed by this act.

ADMINISTRATION

CIVIL SERVICE SYSTEM

PRIVATE ACTS OF 1971

CHAPTER 110

COMPILER'S NOTE: Private Acts of 1984, Chapter 192, purported to have changed any mention of "quarterly county court" to "county legislative body", however, Private Acts of 1971, Chapter 110 contains no reference to a "quarterly county court".

SECTION 1. CIVIL SERVICE MERIT SYSTEM ESTABLISHED. There is hereby established a Civil Service Merit System for employees of Shelby County.

SECTION 2. DEFINITIONS. As used in this Act, the following words and terms shall have the following meanings:

- (a) "Appointing Authority" - Any elected official of the county or head of an office of the county government specifically charged by the appropriate elected official with the responsibility of appointing and/or dismissing personnel employed under his direction.
- (b) "Board" - The Civil Service Merit Board.
- (c) "Classified Service" - Those positions of employment contained in the Civil Service Merit System.
- (d) "County" - Shelby County.
- (e) "Employee" - Any person appointed to a position or office in the classified service.
- (f) "Secretary" - Secretary of the Civil Service Merit Board.
- (g) "System" - The Civil Service Merit System of Shelby County.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 3. CIVIL SERVICE MERIT BOARD. There is hereby created in Shelby County a Civil Service Merit Board composed of five members and one alternate.

As amended by: Private Acts of 1980, Chapter 292.

SECTION 4. ELECTION TO BOARD: TERM: VACANCIES, QUALIFICATIONS OF MEMBERS: REMOVAL OF MEMBERS. All regularly elected officials of the county, under whose direction and supervision three or more persons are employed, shall be entitled to vote in the election of members and alternate of the Civil Service Merit Board. As soon as practicable after approval

of this Act by the Shelby County Quarterly Court, the Chairman of the Quarterly Court shall convene those regularly elected officials of the county, under whose direction and supervision three or more persons are employed, for the purpose of electing members and alternate to the Civil Service Merit Board. The Chairman of the Quarterly Court will give each such official at least ten days notice in writing of the designated time and place of this meeting and said notice shall state that the purpose of this meeting is to be the election of members and alternate to the board.

Nominations for the positions of member and alternate of the board may be made by any official entitled to vote in such election, and said nominations must be submitted in writing to the Chairman of the Quarterly Court not less than five days prior to the election meeting. The Chairman of the Quarterly Court shall, not less than two days prior to the election meeting, give each of those officials entitled to vote in said election a list of all nominations for the positions of board members and alternate.

The elected officials of the county entitled to vote shall, by a majority vote of those present elect five board members and one alternate, who shall take office upon the effective date of the system and who shall serve for the following terms: two members for a term of one year; two members for a term of two years, and one member for a term of three years and one alternate for a term of one year. Subsequent to the initial terms of board members, as provided in this Section, each member thereafter appointed to the board shall serve for a term of three years. Vacancies on the board caused by the expiration of the terms of its members or alternate will be filled by election in the same manner as set out in this Section for the initial appointment of members. Any vacancy occurring on the board other than those due to the expiration shall be filled for the unexpired term by a majority vote of the remaining board members. Each board member or alternate shall serve until his successor is appointed and qualified. No persons shall be eligible to serve as a member or alternate of the board:

- (a) Who is under the age of 21 years;
- (b) Who resides outside the county;
- (c) Who holds any elected or appointive office of the County;
- (d) Who is an employee of the County;
- (e) Who is an officer of any organized political party.

Any member or alternate of the board may be removed for just cause during his term of office by a two-thirds vote of the body which elected the board member or alternate but only after such board member or alternate shall have served with a statement in writing of the reasons alleged to justify his removal, and only after such member or alternate is allowed an opportunity to be represented and publicly heard in his defense before the body which elected the board member or alternate. Failure to attend three consecutive meetings of the Board for reason other than death in the family or personal illness may, by a majority vote of the remaining Board Members, constitute just cause for removal and shall serve as constructive resignation from the Board. The vacancy shall then be filled as prescribed in Section 4 of the Act.

As amended by: Private Acts of 1979, Chapter 96.

SECTION 5. MEETINGS; ELECTION OF CHAIRMAN; DESIGNATION OF SECRETARY. The board shall meet as soon as practicable following the effective date of the system. By a majority vote of all board members, the board shall, at its first meeting elect a chairman for a term of one year who will preside at all subsequent meetings during said term. Thereafter, the board will elect a chairman by a majority vote of all board members upon the expiration of the former chairman's term. The board shall determine the order for business at its meetings and shall make out such rules and procedures as it deems necessary for the efficient and orderly conduct of its meetings.

The board shall also designate the time and place within the county for its regularly scheduled meetings. The board, in addition to its regularly scheduled meetings, shall also convene (1) at the call of the Chairman; (2) at the call of any three board members, or (3) upon five days notice in writing to each board member by any appointing authority of the county, which written notice may be waived by the concurrence of all five members of the board.

At all meetings of the board subsequent to the first meeting, the presence of any three members of the board shall constitute a quorum for the transaction of the business of the board.

The Board shall appoint the Administrator of Personnel named by the Shelby County Mayor to be the Secretary of the Civil Service Merit Board. The Secretary shall record the proceedings of each meeting and shall render such assistance to the Board as is required.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 6. POWERS AND DUTIES OF BOARD. The powers and duties of the Civil Service Merit Board shall be as follows:

(a) To promulgate such information as it deems expedient to promote public understanding of purpose, policies, and practices of the system;

(b) To make recommendations to the Secretary and to the Quarterly Court concerning the processing, examination, and certification of applicants and the administration of the system;

(c) To review the classification plan, compensation plan and personnel policies and to make recommendations to the Secretary and to the Quarterly Court regarding their adoption and/or revision;

(d) To hear the appeal of any employee in the classified civil service following his removal, suspension or reduction in rank or compensation by the appointing authority, as provided in Section 23 of this Act;

(e) To establish such rules and regulations as are adapted to and necessary for the efficient administration of this Act;

(f) To investigate, by itself or otherwise, the enforcement of the provisions of this Act, or of rules and procedures duly authorized for the administration of the system, and of the action of

employees in classified positions. In the course of such investigation, the board shall have the power to administer oaths, and to secure, by subpoena in the name of the county, the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

SECTION 7. COMPENSATION OF BOARD MEMBERS AND ALTERNATE. The Quarterly Court shall set the compensation of the members and alternate of the Civil Service Merit Board.

As amended by: Private Acts of 1980, Chapter 292.

SECTION 8. POWERS AND DUTIES OF SECRETARY. The powers and duties of the Secretary shall be as follows:

(a) To prepare a classification plan for submission to the board for recommendation and to the Quarterly Court for approval;

(b) To prepare a schedule of compensation for the classified service for submission to the board for recommendation and to the Quarterly Court for approval;

(c) To prepare written personnel policies and regulations governing working conditions for submission to the board for recommendation and to the Quarterly Court for approval;

(d) To make necessary amendments to and revisions of such, as required, for submission to the board for recommendation and to the Quarterly Court for approval;

(e) To prepare and administer a selection program including the determination of weights and norms utilizing examination instruments which stress validity and reliability and relate to those characteristics which will test fairly the relative capacity and fitness of candidates to discharge efficiently the duties of the positions to be filled.

(f) To maintain and provide to the various appointing authorities, as required, a list or lists of all eligible candidates for positions in the system;

(g) To maintain the preceding plans, policies and lists on a current basis, and to make them available for inspection by the public;

(h) To prepare, in accordance with the provisions herein, for the approval of the board, such rules and regulations as are adapted to and necessary for the efficient administration of this Act;

(i) Except as otherwise provided in this Act, the Secretary shall be responsible for and shall have general supervisory authority over the administration of the system, subject to review by the board.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 9. UNCLASSIFIED AND CLASSIFIED SERVICES. The civil service of the county is hereby divided into the unclassified and classified services.

(a) The unclassified service shall include:

1. Officials elected by popular vote and persons appointed to fill vacancies in such elective offices;
2. Members of duly established boards and commissions of the county;
3. Any person retained by the county on a consulting basis and any professional person hired in his professional capacity as determined by the board;
4. Any employee of the county whose employment is on a temporary basis;
5. Any person who provides services to the county on a volunteer basis or who receives no compensation for said services;
6. Any person employed by the Shelby County Board of Education;
7. Such person occupying the position of department head, deputy department head, chief clerk, personal assistant to a department or personal secretary to a department head as is designated by an appointing authority and approved by the board. The intent of this provision is to restrict positions in the unclassified service to those which involve sensitive, policy-making duties. In granting its approval the board shall consider this intent as well as the size of the department in question. A list of these additional positions shall be prepared and maintained by the Secretary.

(b) The classified service shall comprise all offices and positions of employment for the county not specifically included in the unclassified service.

As amended by: Private Acts of 1977, Chapter 128.
 Private Acts of 1984, Chapter 192.

SECTION 10. CLASSIFICATION PLAN. All offices and positions of employment included in the system shall be listed and classed and a written plan of such will be prepared and maintained.

Such classification plan will contain description of the duties and responsibilities of each individual office or position. Each office or position shall be assigned to an appropriate class of positions, each class consisting of those offices or positions which have the same or reasonably similar duties and responsibilities. Written specifications will be given to each class and must include the title of the class; a general description of the duties and responsibilities of the offices and positions within the class; the minimum requirements of education, training, experience, licensing or certification, and any other qualifications necessary to hold an office or position within the class. As far as practicable, the lines of promotion to and from each class should be included in the classification plan.

Under the provisions of this Section, a class may be comprised of a single office or position.

SECTION 11. SCHEDULE OF COMPENSATION. For each class of positions established in the classification plan, a study shall be made of the rates paid for similar services elsewhere and

of other information pertaining to proper rates of compensation and a schedule of compensation will accordingly be established. Such schedules shall show for each class a minimum salary rate, a maximum salary rate and such intermediate rate or rates as is equitable and proper.

The financial condition of the county and the personnel policies of the county, in addition to other relevant factors, will be taken into consideration in the assignment of a minimum and maximum rate for each class of position.

The schedule of compensation may include, in addition to the minimum, maximum and intermediate merit rates, a rate of pay to be based on longevity of service with the county, and a rate of pay based on cost of living factors.

SECTION 12. PERSONNEL POLICIES. All policies, rules and regulations regarding personnel and employees within the system shall be reduced to writing. The personnel policies of the county shall establish specific procedures for the governing and maintenance of the personnel system of the county. Such written statements of policy will set out all pertinent information concerning working conditions such as working hours, attendance, holidays, leaves of absences, vacations, in addition to residency requirements, minimum age requirements, programs available to employees, and any and all other information which properly may be the subject of such statement of policy.

SECTION 13. APPLICATION FORMS. Appropriate application forms for employment to a classified position shall be prepared and kept in the office of the Secretary or such other public and convenient place as is designated. This form or forms shall require such information as will reveal the qualifications of the applicant for appointment in the system. All applicants for appointment in the system will be required to complete the appropriate employment application form. Such additional and further investigation concerning the applicant may be conducted as is necessary and proper.

SECTION 14. EXAMINATION; BONUS FOR VETERANS. Open competitive and promotional examinations shall be prepared and conducted by or under the direction of the Administrator of Personnel.

Examinations may be assembled and may include, but not be limited to: rating of training and experience; written, oral, physical or performance tests or other measurements which are technically sound; or any combination as determined by the Administrator of Personnel. The examination process may take into consideration such factors as education, experience, recency of experience, knowledge, skill, physical fitness or any other qualifications which are job-related, which may be applied equitably, and which in the judgment of the Administrator of Personnel enter into the determination of the relative fitness of applicants. For all examinations, the minimum performance or requirements on which eligibility is attained shall be established by the Administrator of Personnel. A minimum qualifying grade shall be established for each exam segment or the combined ratings of the several parts of the examination.

Any applicant for original appointment into the system achieving at least a minimum passing score on the competitive examination process, who shall have received an honorable discharge from any branch of the Arms Forces of the United States and who served in time of war or National Emergency as declared by the President of the United States, shall be entitled to receive a bonus of

additional points, the number of which to be determined by the Board, which shall be added to his competitive examination score.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 15. ELIGIBILITY LISTS. Employment and promotion eligibility lists for the various classes of position in the system shall be maintained as are necessary or desirable to meet the needs of the system. These lists shall contain the names of persons arranged in order of final earned ratings. Certificates of eligibles drawn from these lists shall be provided, as required, to the appointing authorities for the filling of vacancies in accord with the provisions of this Act.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 16. APPOINTMENT; PROBATIONARY PERIOD. Whenever a position in the classified service is to be filled, the appropriate appointing authority shall so notify the Secretary. The Secretary shall forward to the appointing authority a certificate of eligibles drawn from the applicants eligible for the class or grade to which such position belongs, and the appointing authority shall forthwith appoint to such position one of such persons whose name appears on the certificate. Such appointment shall be for a probationary period of six months, commencing with the first working day. During the probationary period, the newly appointed employee may be dismissed with or without cause, and such dismissed employee shall have no recourse as is otherwise provided in Section 23 of this Act. Upon application of the appointing authority, the board may extend the probationary period for any newly appointed employee for a period not to exceed an additional three months. If the employee has not been discharged prior to the expiration of the period of probation, his appointment to the classified service shall be deemed complete.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 17. EXTRAORDINARY AND EMERGENCY APPOINTMENTS. Notwithstanding the provisions of this Act, in order to prevent the stoppage of business or to meet extraordinary conditions or emergencies, an appointing authority may appoint any individual to a classified position for a period not to exceed 90 days and only until regular appointment can be made under the provisions of this Act.

SECTION 18. PROVISIONAL APPOINTMENTS. Should there arise an urgent or pressing need for filling a vacancy in any position in the classified service and the Secretary be unable to provide the appropriate appointing authority with the name of an applicant eligible for the vacancy, the appointing authority may provisionally appoint an individual to fill the vacancy. Such provisional appointment shall continue only until an appropriate eligible list can be established and submitted to the appointing authority, but in no event for more than 90 days.

When, in the opinion of an appointing authority, there arises the urgent or pressing need for a new permanent position in his office or department not contemplated in the existing classification plan, he may provisionally appoint an individual to fill such position. Such provisional appointment shall continue only until the classification plan can be amended to include such position, if same is found to be necessary or desirable, and regular appointment can be made under the provisions of this Act. Immediately following such provisional appointment, the necessity or desirability of inclusion

of such position within the system shall be studied and determined. In no event shall such provisional appointment exceed 90 days.

SECTION 19. PROMOTION. Vacancies occurring in the classified service may be filled by the promotion of those officers and employees of a lesser class of position within the system who are otherwise qualified for the position and certified as eligible by the Secretary. In filling any vacancy arising in an office or department, an appointing authority may restrict his consideration of applicants to those individuals presently in the classified service, provided that the names of applicants considered have been certified as eligible for promotion by the Secretary.

Following a promotional appointment, the promoted employee shall serve a three months probationary period in that position, at the successful completion of which the promotion shall be deemed complete. Should the appointing authority determine that the service of an employee in a position to which he was promoted is unsatisfactory within the three months probationary period, he shall reinstate the employee to the position which he occupied immediately prior to the promotion.

Should the promotion of any employee result in his exclusion from the classified service, he shall thereafter be entitled to reinstatement in the system at the same or equivalent position which he held immediately prior to said promotion, upon 30 days notice to the board of his desire to be reinstated in the system.

Employees who have not completed original appointment probation, including extended original appointment probation, or who are on disciplinary probation or suspension, shall not apply for positions posted as closed promotion positions.

As amended by: Private Acts of 1977, Chapter 128.
Private Acts of 1984, Chapter 192.

SECTION 20. SERVICE RATING. The Secretary, in cooperation with the various appointing authorities of the county, shall prepare for approval by the board, a system for rating the performance of the individual employees in the system. The rating system shall be so designated as to give a fair evaluation of the quality and quantity of the employee's work performed. The service rating for the individual employee will be based on periodic reports of the appointing authority and made on no less than an annual basis. No employee will be eligible for a promotion in rank or compensation who does not maintain a satisfactory service rating. An unsatisfactory service rating may be a basis for disciplinary action to be taken against the employee.

SECTION 21. APPOINTMENTS PERMANENT. Except as otherwise provided in this Act, no employee in the classified service who is not a durational employee and who shall have successfully completed the prescribed period of probation and therefore have been permanently appointed or inducted into the system under the provisions of this Act, shall be dismissed, suspended, demoted or subjected to other discipline, except for cause.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 22. DISCIPLINARY ACTION. For unsatisfactory performance of duties or other just cause, an employee in the classified service may be subject to the following discipline by the appointing authority:

- (a) Reprimand;
- (b) Suspension without pay for a period not to exceed 30 days;
- (c) Reduction in pay within allowable range for class of employee;
- (d) Demotion to a lower classification;
- (e) Dismissal from service;
- (f) Retirement under the terms of the Retirement Act, as applicable.

SECTION 23. REPLY TO DISCIPLINE: APPEAL FROM DISCIPLINE. Any employee in the system may be subjected to discipline, as provided in the preceding Section, by the appointing authority, after his appointment or promotion is complete by written order stating specifically the reasons for such discipline. Such order shall be signed by the appointing authority and directed to the individual employees involved and a copy thereof directed to the Secretary for inclusion in a permanent service record to be maintained for each employee in the system. Any employee so disciplined may respond, by directing a reply in writing to the Secretary within seven days of receipt of the order of discipline with a copy of such reply to the appointing authority. Such reply of the employee shall be maintained in his permanent service record.

Any employee demoted in rank or compensation, suspended without pay for a period exceeding 10 days, or dismissed, may, within seven days after service of the order of demotion, suspension or dismissal as hereinabove provided, appeal to the board.

Immediately upon service of any order of suspension or dismissal, the employee shall stand relieved of all duties of his office and shall not reassume said duties until the expiration of any suspension or until reinstated from suspension or dismissal by the board. Immediately upon service of any order of demotion in rank or compensation, employee shall assume the rank or rate of compensation to which he was demoted.

The board shall, within 30 days from the filing of said appeal, commence a hearing thereon, and shall thereupon fully hear and determine the matter and shall either affirm, modify or revoke such order of discipline. A hearing may be postponed or continued upon written request of the employee and/or written or oral request of the employee's attorney. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and to a public hearing. The finding and decision of the board shall be certified to the appointing authority from whose order the appeal is taken, and shall forthwith be enforced and followed by him, but no such demotion in rank or compensation, suspension or dismissal, if appealed to the board, shall be considered final until the finding and decision of the board shall be so certified. Any form of discipline not appealed to the board shall be considered final as of the date of the service of the order of discipline on the employee.

As amended by: Private Acts of 1979, Chapter 97.
Private Acts of 1984, Chapter 192.

SECTION 24. APPEAL FROM DECISION OF BOARD. Within 30 days following the publication of the decision of the board, on any matter heard by it, either the involved employee or the appointing authority from whose order the appeal was taken may appeal the decision of the board to the Circuit Court of Chancery Court of the county.

SECTION 25. LAYOFF. Notwithstanding the other provisions of this Act, in the event that conditions in any department or office of the county or the financial condition of the county necessitates a reduction in the work force, the required reduction shall be made in such class or classes as the appointing authority designates. Favorable consideration must, however, be given toward retention of those employees in the highest class of positions. If necessary to achieve their retention, employees may be temporarily demoted to a lower class of position. The determination as to which employees within a particular class are to be laid off rests with the sound discretion of the appointing authority and will be based on such considerations as service ratings, seniority and other relevant factors. Any employee laid off or temporarily demoted to a lower class of position under this section shall be given priority over other applicants to reinstatement to his former position or to a comparable position in the system.

SECTION 26. DISCRIMINATION PROHIBITED. All appointment and promotion in the system, except as otherwise provided under the provisions of this Act, shall be on the basis of competitive examination, and no person in the system or seeking admission thereto, shall be appointed, disciplined or dismissed, or in any way favored or discriminated against because of his political affiliation, sex, race, color, creed, age or religious belief. This Section does not apply to membership in any organization which has advocated or does advocate disloyalty to or the violent overthrow of the government of the United States or any subdivision thereof.

SECTION 27. POLITICAL ACTIVITY PROHIBITED. No employee in the classified service may be required or directed, either directly or by implication, to contribute or solicit funds for any political candidate, political part, or political activity, nor may such employee be required or directed, in any capacity whatever, to serve or assist a political candidate, political party or political activity.

Every employee will have the right freely [sic] to express his views as a citizen and to cast his vote. Coercion for political purposes of and by employees of Federally aided programs and use of their positions for political purposes will be prohibited. Participation in partisan political activity by any employee subject to these standards will be prohibited with respect to activity prohibited in Federally grant-aided programs under the Federal Hatch Political Activities Act, as amended 5 U.S.C. 1501-1508.

This Section is not intended to nor does it deprive any employee from voluntary participation in such proper political activity as is allowed by the policy of the county.

As amended by: Private Acts of 1977, Chapter 128.

SECTION 28. STATUS OF EMPLOYEES ON EFFECTIVE DATE OF SYSTEM. On the date which the system takes effect, any employee of the county, whose position is to be included in

the classified service, shall be appointed to retain his position without being required to take a competitive examination. The appointment of any such employee who has held his position for more than six months prior to the effective date of the system shall be deemed complete and he shall hold his position until discharged or reduced in accordance with the provisions of this Act. The appointment of any such employee who has held his position for less than six months prior to the effective date of the system shall be probationary. Such probationary period shall extend for six months from the employee's first day of employment with the county, and upon the successful completion of this probationary period, his appointment in the system shall be deemed complete.

SECTION 29. CONTRARY PROVISIONS OF SECTION 8-2009 T.C.A. NOT APPLICABLE. Insofar as Section 8-2009 T.C.A. is contrary to the provisions of this Act, Section 8-2009 T.C.A. shall not apply to Shelby County.

SECTION 30. VALIDITY OF STATUTE. The provisions of this Act are severable, and if any such provisions or section be held to be unconstitutional, the remaining provisions and sections are not so affected but continue in full force and effect.

SECTION 31. OPERATIVE DATE OF SYSTEM. The Civil Service Merit System of Shelby County established under the provisions of this Act shall become operative upon certification by the Chairman of the Quarterly Court of Shelby County to the Secretary of State that a Civil Service Merit Board has been duly elected and that the Quarterly County, by a two-thirds majority vote of its members, has approved:

- (a) A plan for examination of applicants;
- (b) A plan for the classification of positions;
- (c) A schedule of compensation; and
- (d) The policies regarding personnel.

SECTION 32. APPROVAL OF QUARTERLY COURT. This Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly Court of Shelby County, and its approval or non-approval shall be proclaimed by the presiding officer of that body and certified by him to the Secretary of State.

SECTION 33. PUBLIC WELFARE. This Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed: April 29, 1971.

ADMINISTRATION

CONTRIBUTIONS TO CHARITIES

PRIVATE ACTS OF 1927

CHAPTER 564

SECTION 1. That all counties of this State having a population of 223,000 or over, according to the Federal Census of 1920, or any subsequent Federal Census, be, and they are, hereby authorized to contribute out of the general funds of the county to any charity, charitable institution or charitable organization, the object of which is to care for the poor and afflicted residents of the county making the contribution.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20th 1927.

ADMINISTRATION

COUNTY ATTORNEY

PRIVATE ACTS OF 1937

CHAPTER 2

SECTION 1. That Quarterly County Courts of counties of the State having a population of more than three hundred thousand, according to the Federal Census of 1930, or any subsequent Federal Census, be and they are hereby authorized and empowered to employ a County Attorney on a yearly salary basis which salary shall be set by the Quarterly County Court in such amount which it deems reasonable, payable in equal monthly installments; that said appointment shall be on a full time basis; that nothing in this Act shall be construed as prohibiting the employment of special counsel or special attorneys by such counties whenever such employment may be deemed necessary or expedient.

As amended by: Private Acts of 1939, Chapter 22.
 Private Acts of 1951, Chapter 158.
 Private Acts of 1955, Chapter 116.
 Private Acts of 1959, Chapter 213.
 Private Acts of 1965, Chapter 294.
 Private Acts of 1970, Chapter 315.

SECTION 2. That the Quarterly County Courts employing County Attorneys under the provisions of this Act are hereby authorized and empowered to prescribe the duties of such County Attorneys, including especially the authority to require that such County Attorneys shall without additional compensation file and prosecute all suits in such counties for the collection of delinquent State and County taxes.

SECTION 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 7, 1937.

ADMINISTRATION

COUNTY ATTORNEY

ASSISTANTS

PRIVATE ACTS OF 1959

CHAPTER 214

SECTION 1. That the Quarterly County Court of Shelby County is authorized to appoint such Assistant County Attorneys as may be deemed necessary for the efficient operation of said County Attorney's Office. The Assistant County Attorneys shall each be a person licensed to practice law in the State of Tennessee, shall serve under the direction of and at the pleasure of the Quarterly County Court. The compensation for each such Assistant Attorneys shall be fixed by the County Court and shall be paid out of the general funds of the County.

SECTION 2. That this action shall become effective when the same shall have been approved by the Quarterly County Court of Shelby County by a vote of not less than two-thirds of the members of said Court, such approval to be made by said Court within sixty days (60) after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1959, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of said Court to the Secretary of State.

Passed: March 18, 1959.

ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county mayor is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

The following acts once affected the appointment, election, or office of the county attorney in Shelby County. These acts are included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 585, set the salary of the Shelby County Attorney at \$4,800 per annum. Its provisions were amended by Private Acts of 1925, Chapter 307, and Private Acts of 1933, Chapter 369. All of these were repealed by Private Acts of 1937, Chapter 1.

ADMINISTRATION

COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is determined in accordance with T.C.A. § 8-24-102. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-407.

The following acts once affected the office of county clerk in Shelby County. They are included herein for historical purposes.

1. Private Acts of 1823, Chapter 126, authorized the Shelby County Clerk to furnish a list to the sheriff of Tipton County of all taxable property in Shelby County.
2. Private Acts of 1832, Chapter 67, authorized the county court clerk of Shelby County to pay over the unexpended amount of taxes levied and collected for improvement of navigation on the Wolf River to the general county fund and to pay over to the trustees of the Memphis Hospital the state tax on merchants' license for the benefit of said hospital.
3. Acts of 1837-38, Chapter 306, authorized the county court clerk of Shelby County to appoint two deputy clerks.
4. Acts of 1841-42, Chapter 36, legalized the official acts of James Rose, who had been acting as deputy clerk of the Shelby County Court since May 2, 1839.
5. Acts of 1853-54, Chapter 161, provided for the relief of William L. Dewoody, late clerk of the Shelby County Court.
6. Private Acts of 1911, Chapter 226, made unmarried women over the age of twenty-one eligible to serve as deputy clerk of the county court, as well as any other court of the county. Marriage, however, was an immediate forfeiture of her office, but would not protect her from any liability incurred while in office.
7. Private Acts of 1917, Chapter 77, set the salary of the county clerk and the probate court clerk of Shelby County.

8. Private Acts of 1919, Chapter 278, authorized the county clerk of Shelby County to contribute, an amount not to exceed \$600 per year, to the payment of the salary of the officer or detective appointed by the district attorney general of Shelby County.
9. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Clerk at \$6,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the county clerk at \$7,200 per annum.
10. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the county clerk at \$8,000 per annum.

ADMINISTRATION

COUNTY CORONER

PRIVATE ACTS OF 1921

CHAPTER 406

SECTION 1. That coroners in counties in this State having a population of two hundred and twenty thousand (220,000) or over by the Federal Census of 1920, or any subsequent Federal Census, shall charge and receive fees for services in executing processes placed in their hands as now provided by law, but the fees collected by them for such services shall be turned over to the Trustees of such counties for the benefit of such counties.

SECTION 2. That hereinafter it shall be the duty of the coroners in said counties to investigate all accidental deaths referred to them, and where, in their judgement, the facts warrant it, hold inquests over such bodies, as is now provided by law in cases of death caused by violence at the hands of other parties, and must furnish to anyone who desires the same, a certified copy or copies of such inquests for which they are to receive Two Dollars and Fifty Cents (\$2.50) per copy, to be paid by the party to whom it is furnished, which they are to retain as part of their compensation, in addition to the salary provided herein.

SECTION 3. That the County Courts in said Counties be, and they are hereby, authorized and empowered to pay their Coroners a salary not to exceed Five Thousand, Five Hundred Dollars (\$5500.00) per annum.

As amended by: Private Acts of 1951, Chapter 570.
 Private Acts of 1953, Chapter 296.

SECTION 4. That coroners in said counties shall receive no compensation than that provided in this Act.

SECTION 5. That the coroners of said counties shall keep a record of all cases that may come under their jurisdiction, and said records or books to be of good material and bound.

SECTION 6. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1921.

COMPILER'S NOTE: See Tennessee Code Annotated, title 8, chapter 9, for general law on the office of county coroner.

ADMINISTRATION

CORONER - DEPUTIES

PRIVATE ACTS OF 1959

CHAPTER 186

SECTION 1. That the Quarterly County Court of Shelby County, Tennessee is hereby authorized and empowered to appoint one or more deputy coroners for the County of Shelby.

SECTION 2. That such deputy coroner or deputy coroners so appointed is/are hereby authorized to perform all duties which can now be performed by the Coroner, and shall be subject to the same obligations as the Coroner.

SECTION 3. That such deputy coroner or deputy coroners shall be compensated by said County in such amount and manner as is agreed upon between said Quarterly County Court and such deputy coroner or deputy coroners.

SECTION 4. That such deputy coroner or deputy coroners shall serve at the pleasure of said Quarterly County Court, and said Court shall have the power to remove such deputy coroner or deputy coroners and supply any vacancy in its discretion.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1959.

ADMINISTRATION

COUNTY MAYOR

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who is formally entitled county mayor unless entitled county executive by private act. T.C.A. § 5-6-101. The county mayor serves a four year term.

The county mayor is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county mayor serves as a nonvoting, ex officio member of the county legislative body, and the county mayor or a representative of the county mayor serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county mayor as its chairman. However, the county mayor may refuse to serve as chairman. T.C.A. § 5-5-103. If the county mayor is not elected chairman, then the county mayor may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county mayor appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county mayor may not be applicable.

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

The references below are of acts which once applied to the office of county judge, or county executive in Shelby County. They are included herein for historical purposes only.

1. Public Acts of 1857-58, Chapter 38, created the office of county judge for Shelby County. This act gave the county judge all the jurisdiction and powers previously belonging to that court. This office was abolished by Public Acts of 1869-70, Chapter 6.
2. Private Acts of 1917, Chapter 486, empowered the Shelby County Courts to appropriate money for the payment of clerical help in the office of the county chairman.

ADMINISTRATION
COUNTY LEGISLATIVE BODY

PRIVATE ACTS OF 1911

CHAPTER 237

COMPILER'S NOTE: A new administrative branch of Shelby County Government was created by Private Acts of 1974, Chapter 260, to administer the Shelby County government during the transitional period from September 1, 1974 through December 31, 1975. That act is found in this chapter, under the title "Restructuring Act".

SECTION 1. That in all counties of the State having a population of one hundred and ninety thousand or more, according to the Federal census of 1910 or any subsequent Federal census, there shall be, and hereby is, created a Board of County Commissioners. Said board shall consist of three members who shall be elected by the people of the respective counties; the first election to take place on the 14th day of December, 1911, the Commissioners to be then elected to hold office from the first Tuesday in January, 1912, and until August 31, 1914. Thereafter the name of said Commissioners shall be placed on the official ballot and voted for, as now provided for by law, beginning with the regular August election in the year 1914. The term of office of such Commissioners shall be for a period of four years, save and except the Commissioners who are first elected under this Act shall hold office until August 31, 1914, as above provided.

SECTION 2. Each of said Commissioners shall be not less than thirty years of age, shall be a citizen of the County in which elected and shall have resided in said County for a period of five years. No member of the County Court shall be eligible to hold the office of a member of the Board of Commissioners.

Each of the members of said Board of Commissioners shall devote his full time to the performance of his duties as such Commissioner.

As amended by: Private Acts of 1917, Chapter 282,
Private Acts of 1937, Chapter 6,
Private Acts of 1957, Chapter 215.

SECTION 3. There are hereby established the following departments within the said Board of Commissioners, each to be managed and supervised by one Commissioner assigned thereto and with the functions, duties and powers hereinafter provided:

1. The Department of Purchasing and Finance;
2. The Department of County Health and Institutions;
3. The Department of Penal Institutions and County Roads.

At the first meeting of the Board of Commissioners after each election of Commissioners each of said Commissioners shall be assigned to one of said departments, by a majority vote of said Commission.

As amended by: Private Acts of 1925, Chapter 157,
Private Acts of 1957, Chapter 215.

SECTION 4. The said Board is vested solely with the executive and administrative power of the County and as such charged with the administration of its several institutions and of the County's business. Whenever any Public or Private Acts of the State purports to authorize the County Court or its Chairman to perform any administrative or executive act or function, then such act or function shall be performed by the Board of Commissioners or its Chairman. All legislative powers of the County shall be vested in the Board of County Commissioners of Shelby County and it shall be deemed the sole legislative body of the County; provided, however, that a veto power is hereby granted the Chairman of the Board of Commissioners which may be exercised within seven (7) days of passage; said veto may be overridden by a simple majority vote of the County Court within fourteen (14) days of the veto message. Whenever any Public or Private Act of the State purports to authorize the Board of Commissioners or its Chairman to perform any legislative Act or function, then such Act or function shall be performed by the County Court or its Chairman.

Any function, duty, or power of said Board of Commissioners not specifically assigned to one of the departments herein created shall be assigned to one of said departments by a majority vote of the Commissioners. Notwithstanding that the responsibility for the supervision and management of each of the several departments herein created is assigned to a particular Commissioner, the determination of policies of management of all said departments is the duty and function of the entire Commission and the Commission shall have the right to determine all matters by majority vote.

As amended by: Private Acts of 1957, Chapter 215,
Private Acts of 1974, Chapter 260,
Private Acts of 1979, Chapter 165.

SECTION 5. The Chairman of this Commission shall be charged with the duty of purchasing of supplies for the various departments under this Commission. He shall have special care and custody of the courthouse and all employees thereof, and shall have charge of the books of the Commission, and shall be known as the Commissioner of Purchasing and Finance.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 6. The Commissioner of the Department of County Health shall have charge and supervision of the County Health Department, all hospitals, sanatoriums, clinics, and similar institutions operated by the County, the County Morgue, the health of prisoners in the County Jail and of the County's participation in the conduct of all similar institutions operated by the County jointly with other governmental agencies. He shall have special supervision of all employees of the County in such institutions and in his department. He shall be known as the Commissioner of Health.

As amended by: Private Acts of 1919, Chapter 350,
Private Acts of 1925, Chapter 157,

Private Acts of 1933, Chapter 375,
Private Acts of 1937, Chapter 376,
Private Acts of 1945, Chapter 69,
Private Acts of 1953, Chapter 299,
Private Acts of 1955, Chapter 91,
Private Acts of 1955, Chapter 92,
Private Acts of 1957, Chapter 215.

SECTION 7. The Commissioner of the Department of Penal Institutions and County Roads shall have charge and general supervision of the building and repair of all roads, highways and bridges in the County and of the County Penal Farm and of all employees connected with the construction and repair of such roads and highways and with the operation of the County Penal Farm. He shall also have general supervision of the work upon the road and highways and bridges done by prisoners. He shall be known as the Commissioner of Penal Institutions and County Roads.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 8. Each Commissioner shall give a bond in the penal sum of \$25,000.00 executed by a good and solvent surety company qualified to do business in the State and County and conditioned to insure the faithful performance of the duties of the office of Commissioner.

Each Commissioner shall take an oath of office before entering upon the discharge of the duties thereof that he will faithfully and impartially discharge the duties of his office.

COMPILER'S NOTE: This section was considered and found constitutional in Cross v. Fisher, 132 Tenn. 46, 177 S.W. 47 (1915).

As amended by: Private Acts of 1913, Chapter 333,
Private Acts of 1919, Chapter 350,
Private Acts of 1923, Chapter 241,
Private Acts of 1925, Chapter 157,
Private Acts of 1957, Chapter 215.

SECTION 9. Within 10 days after their election and qualification, the said Board of Commissioners shall elect one of their members Chairman and another thereof Secretary of said Commission.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 10. The Board of Commissioners shall hold a regular meeting on the first Thursday in every month at the hour of ten A.M., said meeting to be at the Courthouse. Special meetings may be called by the Chairman of the Board, or any two Commissioners. If the business of any regular or special meeting be not concluded on the day when the same convenes, the Board may adjourn such meeting to some subsequent day. All meetings of the Board shall be public, and shall be held in the place provided for such meetings.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 11. Upon any vacancy or vacancies occurring in the Board of Commissioners by death, resignation, removal, or otherwise, then the remaining Commissioners or Commissioner, if there be only one, shall have the power to elect a successor or successors as the case may be, who shall hold office during the unexpired term. In the event that there shall be a tie vote on the question of the election of a Commissioner to fill a vacancy, such tie shall be treated as equivalent to no election, and, pending the election of some one to fill the vacancy, the duties of the vacant office shall be imposed upon and discharged by the other Commissioners.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 12. That the salary of the Chairman of said Board shall be \$19,000.00 and the salary of each of the other two members shall be \$18,500.00 provided that the salaries of the present Commissioners shall be determined by the law in effect prior to the passage of this Act until the end of their present terms. Said salaries shall be payable in equal monthly installments by warrants drawn by the Board of County Commissioners upon the County Trustee.

As amended by: Private Acts of 1957, Chapter 215,
Private Acts of 1965, Chapter 293,
Private Acts of 1970, Chapter 243.

SECTION 13. Said Board of Commissioners shall employ the necessary subordinate officers and employees to administer and carry on the work of all the several departments and institutions of the County, including but not limited to the County Health Department, the Shelby County Hospital, the County Jail, except for such functions in connection with the jail as are the duty of the Sheriff, the County Morgue, the Courthouse, the Penal Farm, construction and maintenance of County Roads, and the carrying on of the office of said Commissioners.

The employment of all such subordinate officers and employees shall be at the will and pleasure of and their compensation and other terms and conditions of employment shall be fixed by the Board of Commissioners. Said compensation shall be paid by warrant drawn upon the County Trustee. The Commissioners may draw one warrant upon the County Trustee for the sum total of their pay roll for any pay roll period, payable to a paymaster or other person delegated to perform such duty and properly bonded, and may delegate to such person the duty of issuing pay roll checks to individual subordinate officers and employees thereto.

All warrants drawn upon the County Trustee for any purpose shall be signed by at least two Commissioners.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 14. In addition to the salaries herein provided to be paid to the Board of County Commissioners and in addition to the salaries fixed by them to be paid to the several subordinate officers and employees of the several departments herein created, there may also be paid or furnished by the County for or to each of the Commissioners, subordinate officers and other employees of the several departments the following:

(a) Any portion of the premiums, in excess of the amount required to be paid by the said Commissioners, subordinate officers or employees, in connection with or upon any policy of group life insurance carried by the County for the benefit of and insuring the lives of said Commissioners, subordinate officers and employees.

(b) Any portion of the premium in excess of the amount required to be paid by such Commissioner, subordinate officer or employee in connection with or upon any hospitalization insurance carried by the County for the benefit of its employees.

(c) Any contribution required to be made by the County in behalf of such Commissioner, subordinate officer or employee in connection with any retirement plan which may be adopted by the County for the benefit of its officers and employees.

(d) Any contribution to old age and survivors benefits required to be made by an employer if the County should become subject to the provisions of the Federal Old Age and Survivors Insurance Benefits laws, otherwise known as the Social Security Act.

(e) All necessary and proper travel expenses and other expenses incurred by them in the performance of their duties.

(f) The cost of furnishing and all expenses of maintenance of an automobile to each Commissioner and to each subordinate officer and employee when in the judgment of the Board of Commissioners such automobile is required in the performance of duty.

(g) A dwelling house to any employee when the same is furnished by the Board of Commissioners or the County in connection with the performance of a particular position.

(h) The cost of a surety bond to insure to the County the faithful performance of duty, when one is required by law, or by the Commission.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 15. Each Commissioner shall nominate a person to fill each office or position in the employ of his department, but the Board of Commissioners shall not be restricted in the selection of any employee to such nominee, and any officer or employee in any department may be elected or employed by a two-thirds vote of the Commission.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 16. The Board of Commissioners shall, unless otherwise provided by law, fix the amount of bonds and the method of their approval to be required of all subordinate officers and other employees and contractors required by the Commissioners or otherwise by law to give bond. Such bonds shall be given and made by some good and solvent surety company lawfully qualified to do business in the State and in the County.

The Board of Commissioners shall be authorized to provide by resolution for the carrying of necessary property and liability insurance to protect the efficiency and economy of the county government and to pay for such premiums from their general funds. The Board of Commissioners

may enter into joint agreements with any municipality or other governmental agency in order to carry out the purpose of this Section and obtain the most economical premium rates by the pooling of such insurance policy purchases.

As amended by: Private Acts of 1957, Chapter 215,
Private Acts of 1967-68, Chapter 437.

SECTION 17. No contract exceeding the amount of \$5,000.00 shall be binding upon the Board of County Commissioners unless approved by a majority vote of the Commissioners in regular or special meeting. The Chairman shall sign all contracts made by the Board; provided that if the said Chairman shall fail for any reason to sign any such contract the same shall become effective without his signature upon the signing of the same by the other two commissioners. Contracts made by the Board of Commissioners may, in their discretion, be copied on the minutes of the Board, including all signatures thereon, but a minute entry showing the parties, the consideration and general purpose of the contract shall be sufficient; provided that in the discretion of the County Commissioners, contracts involving purchases of less than \$5,000.00 need not be entered on the minutes if a public record thereof be elsewhere kept. The necessity for a bond covering labor and materials shall be determined by the County Commissioners on all contracts under \$5,000.00.

As amended by: Private Acts of 1957, Chapter 215,
Private Acts of 1974, Chapter 360.

SECTION 18. Minutes of all meetings of the Board of Commissioners shall be kept by the Secretary and shall be signed by the Secretary and the Chairman.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 19. No contract shall be awarded by the Board of Commissioners which involves an expenditure in excess of \$5,000.00 unless advertisement shall first be made by the insertion in a newspaper published in the County at least twice, the first of said notices to be published at least 10 days prior to the date set therein for the opening of bids and letting of the contract for such purchase.

As amended by: Private Acts of 1957, Chapter 215,
Private Acts of 1974, Chapter 360.

SECTION 20. It shall be unlawful for any Commissioner or subordinate officer or regular employee of said Commission to be or become connected with or interested in, directly or indirectly, any contracts with the County or with the Commission.

As amended by: Private Acts of 1925, Chapter 157,
Private Acts of 1957, Chapter 215.

SECTION 21. No contract shall be awarded by the Board of Commissioners to any person who is related within the third degree to any one of said Commissioners by consanguinity or affinity.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 22. It shall be unlawful for any candidate for the office of Commissioner to either directly or indirectly give or promise any person or persons any office, employment, profit, or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person.

As amended by: Private Acts of 1935, Chapter 408,
Private Acts of 1955, Chapter 92,
Private Acts of 1957, Chapter 215.

SECTION 23. The Board of Commissioners shall on or before April 1 in each year present a budget showing the sums necessary to be expended in order to carry on the business and affairs of the County for the coming fiscal year and shall present the same to the County Court either to approve said budget as presented or to modify and amend the same as may be deemed requisite by the County Court in order to determine the amount of taxes necessary to be assessed.

As amended by: Private Acts of 1957, Chapter 215,
Private Acts of 1974, Chapter 260.

SECTION 24. Annually, the Chairman and Secretary of the Commission shall make a report showing all moneys disbursed by the Commission, said report to be signed and sworn to by said officers, filed in the office of the Commission, and to be a public record.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 25. The books of the Board of Commissioners shall be audited at least once a year and such audit shall be and become a public record.

As amended by: Private Acts of 1957, Chapter 215.

SECTION 26. The Board of Commissioners is authorized:

(a) To establish the position of County Comptroller and employ a competent accountant to fill said position;

(b) To establish the position of County Purchasing Agent and employ a competent person to fill said position;

(c) To establish the position of County Personnel Director and employ a competent person to fill said position, and

(d) To employ to assist each of said employees a competent and sufficient staff of persons to perform the duties assigned to them.

All of said employees shall be under the management and supervision of the Department of Purchasing and Finance.

As amended by: Private Acts of 1957, Chapter 279.

SECTION 27. All payrolls and all bills and obligations of all County officers, offices and departments shall be paid by warrants executed by the County Commissioners, drawn on the County Trustee, and all purchases for all said County officers, offices and departments shall be made by the County Purchasing Agent, the said officers, offices and departments being the following: The Clerk of the Chancery Court Clerk, Clerk of the Circuit Court, Clerk of the Criminal Court, Clerk of the General Sessions Court, County Court Clerk, County Register, County Trustee, County Assessor, County Sheriff, County Chairman, County Attorney, the County Election Commissioners, the County Jury Commissioners, all the departments under the supervision of the County Commissioners and any and all other County officers and offices now or hereafter established. Warrants shall also be drawn by the County Commissioners for the payment of all salaries which the County shall pay to the personnel of the Attorney General's office, employees of the County Agricultural Agent and any office, agency or institution operated jointly by the County with any other Governmental Agency. If the County be liable for a portion of the expense of operation of any office jointly with any other Governmental Agency, the purchases of such office may be made through other agencies than the Board of County Commissioners, in the discretion of the Board of Commissioners. Payment of the interest and principal of County Bonds shall be made by warrants drawn by the Chairman of the County Court, but all other County obligations shall be made by warrant drawn by the County Commissioners.

As amended by: Private Acts of 1955, Chapter 92,
Private Acts of 1957, Chapter 279.

SECTION 28. The County Comptroller shall have the following duties:

(a) He shall be chief accountant of the County, shall have supervision of the general accounts of the County and shall keep proper records showing the financial operation and condition of the County and its several offices including a complete and accurate record of the property, assets, claims and liabilities of the County and of all expenditures authorized. He shall keep in a safe place all contracts, books, documents, records, papers, insurance policies, indemnity bonds and bonds of employees under the jurisdiction of the Commissioners.

(b) He shall prepare and audit all County payrolls. The salaries and wages due the employees of each of the various institutions, offices, and employment units of the Board of Commissioners and of each of the various offices of the County shall be duly set forth in separate payroll schedules and approved by the employee in charge of each employment unit of the County Commission, and by each County officer for the employees in his office, and when said schedules are so approved and combined into a consolidated payroll one warrant shall be prepared by the Comptroller to be signed by the Commissioners for the whole amount shown in said consolidated payroll payable to an employee in the Comptroller's office designated to handle the payrolls and said employee shall make distribution by payroll check to each of the various employees set forth in said schedule.

(c) He shall audit and prepare warrants drawn on the County Trustee, to be executed by the Commissioners, for the payment of all debts, obligations, claims and demands of and on the County, the payment of which is by law made the duty of the Commissioners.

All statements and invoices shall be approved by the Commissioner of the department or his duly authorized agent or the officer of the County office for which the purchases were made or a duly

authorized deputy or assistant and by the County Purchasing Agent, and shall be examined by the Comptroller to ascertain that they are in proper form, correctly computed, duly approved, and due and payable.

The Comptroller or an assistant designated by him with the approval of the Commissioners shall certify as correct each warrant drawn in the County Trustee by the Commissioners.

(d) All warrants drawn on the County Trustee in payment for payrolls, equipment, materials, services and supplies shall show upon their face the account to which they are to be charged; but if for lack of space upon the warrant this is not possible a memorandum of the account or accounts to which a warrant is to be charged shall be furnished to the County Trustee at the time of the issuance of said warrant.

(e) No warrant shall be drawn for payment of either salaries or materials, equipment, supplies and services for or on account of any department or office in excess of funds on deposit with the County Trustee available for the payment of such obligations.

(f) The County Commissioners shall have authority by Resolution to adopt and promulgate reasonable rules and regulations governing the conduct and operation of the office of Comptroller.

As amended by: Private Acts of 1957, Chapter 279.

SECTION 29. The County Purchasing Agent shall purchase all materials, supplies, equipment, services and merchandise of every kind and character for all the departments of the County government under the supervision of the County Commissioners and for all of the County offices including but not limited to the Clerk of the Chancery Court, Clerk of the Circuit Court, Clerk of the Criminal Court, Clerk of the General Sessions Court, County Court Clerk, County Register, County Trustee, County Assessor, County Sheriff, County Chairman, County Attorney, County Election Commissioner, County Jury Commissioners and any and all other County officers or offices now or hereafter established. However the County Commissioners may in their discretion in cases of emergency or other circumstances deemed proper by them permit purchasers to be made direct by person in their employ or by County officers.

Requisitions for the same on a form to be supplied to each department and office by the County Commissioners shall be made upon the said Purchasing Agent signed by the Commissioner or officer in charge of each department and office or by their duly authorized agents or deputies as the case may be. The Purchasing Agent shall obtain bids on all purchases for goods or services exceeding the value of \$500.00, and shall advertise for bids as required by the provisions of this Act when the value of goods or services to be purchased exceeds \$5,000.00. A copy of each requisition for purchases shall be kept on file in the office of the Purchasing Agent and shall be open for public inspection. Such copies of requisitions shall be kept until the accounts relating to the purchases made thereon have been audited and may then be destroyed but only by order of the Commissioners.

Such advertisement for bids shall not be required where it is evident, as determined by the Board of Commissioners that there is only one source of supply of the goods or services sought to be purchased.

The duties of the Purchasing Agent and the personnel of his office may be enlarged, qualified, clarified and defined by the County Commissioners.

The County Commissioners shall have the right by Resolution to issue and promulgate reasonable rules and regulations pertaining to the operation of the Purchasing Agent's office.

As amended by: Private Acts of 1957, Chapter 279,
Private Acts of 1969, Chapter 48,
Private Acts of 1974, Chapter 359.

SECTION 30. It shall be the duty of the Personnel Director to keep and maintain an accurate and up to date record of the employees of all departments and offices of the County government. He shall when called upon to do so by the several departments under the direction and supervision of the County Commissioners and the County officers enumerated in Section 27 hereof seek out, interview and recommend for employment to the several departments and offices persons to fill the personnel requirements of said departments and offices.

The said Personnel Director shall perform such other duties as may be assigned to him by the Board of Commissioners and the Board of Commissioners may by Resolution promulgate rules and regulations for the operation of his office.

As amended by: Private Acts of 1957, Chapter 279.

SECTION 31. All of those County officers who collect fees and other monies from which their salaries of their employees are paid and from which supplies and equipment are paid for shall periodically, as now required by law as to their excess fees, or oftener if necessary to provide funds for the payment of their payrolls and other obligations, remit in the manner now provided by law all such fees and other collections to the County Trustee who shall credit such remittances to proper accounts from which the salaries and other expenses of said offices shall be paid as herein provided.

As amended by: Private Acts of 1957, Chapter 279.

SECTION 32. All funds authorized to be paid out of the County Treasury under the provisions hereof may be paid upon warrants drawn by the County Commissioners. None of the provisions of this Act shall be construed to in any wise alter or effect the present provisions of law which make available funds for the operation of the several departments and offices of the County government, it being the intent of these Sections, Numbers 26 to 32 inclusive, to modify administrative procedure only in the interest of economy and efficient operation.

Nothing herein shall be construed as giving to the County Commissioners or the Comptroller any authority or duty to audit, supervise or control in any manner any of the funds or accounts of any other office or officer, except those funds which by law are available for the functions delegated to the County Commissioners.

Passed March 30, 1911.

COMPILER'S NOTE: Several sections of this act were considered and found constitutional in Prescott v. Duncan, 126 Tenn. 106, 148 S.W. 229 (1912).

ADMINISTRATION
COUNTY LEGISLATIVE BODY

PRIVATE ACTS OF 1945

CHAPTER 263

COMPILER'S NOTE: This act amends Private Acts of 1911, Chapter 237, and should be read in conjunction with said act.

SECTION 1. That Chapter 237 of the Private Acts of 1911, being captioned above, together with any amendatory Acts thereof, be amended so as to provide that the Memphis and Shelby County Health Department have authority, and it shall be its duty, whenever it deems an emergency to exist, or the cause of death obscure or disputed, to require an order for an autopsy on the body of any person dying at the Shelby County Tuberculosis Hospital, now known as Oakville Memorial Sanatorium, under circumstances and with diseases deemed dangerous to the health and welfare of the community.

SECTION 2. That all laws and parts of laws in conflict with this Act, be, and the same are, hereby repealed.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 16, 1945.

ADMINISTRATION
COUNTY LEGISLATIVE BODY
APPORTIONMENT OF DISTRICTS

PUBLIC ACTS OF 1969

CHAPTER 272

COMPILER'S NOTE: Although a public act, this act is included because its provisions have special effect and are not found in Tennessee Code Annotated.

SECTION 1. The justices of the peace in counties of this state having populations in excess of 200,000 according to the United States census of population of 1960 or any subsequent United States census of population shall be elected from justice of the peace districts in the several counties to which this act may be applicable in the number and as particularly described hereinafter for each county.

SECTION 5. In Shelby County there shall be eleven (11) justices of the peace, elected from eleven (11) justice of the peace districts constituted as follows, with one (1) justice of the peace to be elected from each district.

District 1 shall consist of the following voting wards in the city of Memphis: 69-1, 69-2, 71-1, 71-2, 73-1, 73-2, 74-1 and 74-2; and the following voting precincts in Shelby County: Arlington, Bartlett, Brunswick, Ellendale, Kerrville, Locke, Lucy, McConnell's, Millington, Raleigh, Scenic Hills, Stewartville, Woodstock, Capleville, Collierville, Cordova, Eads, Forest Hill, Germantown, Morning Sun, Mullins, Ross' Store, and White Station.

District 2 shall consist of the following voting wards and precincts in the city of Memphis: 1, 8, 9, 21-1, 21-2, 21-3, 21-4, 22, 27-1, 27-2, 36-2, 36-3, 39, 40-1, 40-2, 41-1, 41-2, 41-3, 42-1, 42-2, 51-1, 51-2, 70-1, 70-2, 72-1, and 72-2.

District 3 shall consist of the following voting wards and precincts in the city of Memphis: 37-1, 37-2, 38-1, 38-2, 38-3, 38-4, 43-1, 43-2, 43-3, 43-4, 44-1, 44-2, 44-3, 44-4, 44-5, 52-3, 53-1, 53-2, 54-1, 54-2, 55-1, 55-2, 62, 63-1, 63-2, 64, 68-1, and 68-2.

District 4 shall consist of the following voting wards and precincts in the city of Memphis: 45-1, 45-2, 45-3, 45-4, 46-1, 46-2, 46-3, 56-1, 56-2, 57, 58-1, 58-2, 58-3, 58-4, 58-5, 59-1, 59-2, 59-3, 65-1, 65-2, 66-1, 66-2, 67-1, 67-2, and 67-3.

District 5 shall consist of the following voting wards and precincts in the city of Memphis: 60-1, 60-2, 60-3, 60-4, and 60-5; and the following voting wards and precincts in Shelby County: Levi-1, Levi-2, Levi-3, Levi-4, Levi-5, Whitehaven-1, Whitehaven-2, Whitehaven-3, Whitehaven-5, Whitehaven-6, Whitehaven-7, Whitehaven-8, Whitehaven-9, and Whitehaven-10.

District 6 shall consist of the following voting wards and precincts in the city of Memphis: 2, 4, 5, 6, 7-1, 7-2, 11-1, 11-2, 12, 13-1, 13-2, 13-3, 14-1, 14-2, 23, 24, 25-1, 25-2, 25-3, 25-4, 26-1, 26-2, 26-3, 34-1, 34-2, 35-1, 35-2, 35-3, 48, 49-1, 49-2, 50-1, and 50-2.

District 7 shall consist of the following voting wards and precincts in the city of Memphis: 15, 16-1, 16-2, 16-3, 17-1, 17-2, 17-3, 17-4, 18, 19, 20-1, 20-2, 20-3, 28-1, 28-2, 29-1, 29-2, 29-3, 30, 31-1, 31-2, 31-3, 31-4, 32, 33-1, 33-2, 36-1, 47-1, 47-2, 47-3, 52-1, 52-2, 61-1, and 61-2.

In addition to the aforesaid districts, one (1) through seven (7), there shall be four (4) districts numbered consecutively and so designated as District Eight (8), District Nine (9), District Ten (10) and District Eleven (11), each of which districts Eight (8) through Eleven (11) shall be composed of an area coextensive with the boundary lines of Shelby County, Tennessee.

Justice of the peace districts in Shelby County shall consist of the voting wards and precincts as they were delineated on July 1, 1968.

SECTION 6. The provisions of this act shall be effective for the August general election in 1972 and each election for justices of the peace thereafter until changed, except that with respect to any county to which this act may apply, if a reapportionment of the justices of the peace is ordered by a court of competent jurisdiction and a special election is ordered to be held, then the provisions of this act shall apply.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 8, 1969.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

CHAIRMAN

PRIVATE ACTS OF 1911

CHAPTER 238

SECTION 1. That in all counties of the State having a population of one hundred and ninety thousand or more, according to the Federal census of 1910 or any subsequent Federal census, the Chairman of the County Court shall be a member of the court. If he should at any time cease to be a member of the court, his office as Chairman is to be, ipso facto, vacated.

SECTION 2. That County Courts out of the treasury of said counties shall pay the Chairman of the County Court such salary per annum as shall be set by resolution of the County Court, and in addition such allowance as may be fixed by resolution of the County Court for the employment of stenographic and clerical help and office expense and travel expense required in the conduct of the business of his said office, such salary and other allowance to be paid in equal monthly installments.

As amended by: Private Acts of 1913, Chapter 60,
Private Acts of 1919, Chapter 749,
Private Acts of 1921, Chapter 772,
Private Acts of 1921, Chapter 970,
Private Acts of 1925, Chapter 261,
Private Acts of 1933, Chapter 373,
Private Acts of 1937, Chapter 340,
Private Acts of 1953, Chapter 297,
Private Acts of 1957, Chapter 88,
Private Acts of 1959, Chapter 143,
Private Acts of 1970, Chapter 289.

SECTION 3. That all laws in conflict herewith be, and the same are, hereby repealed.

SECTION 4. That this Act take effect from and after January 1, 1912.

Passed: March 30, 1911.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

COMPENSATION

PRIVATE ACTS OF 1965

CHAPTER 112

SECTION 1. That hereafter, Justices of the Peace in counties of 600,000 or more inhabitants according to the Federal Census of 1970 or any subsequent Federal Census shall be entitled to and shall receive as compensation, including mileage expense, \$500.00 per each month of actual attendance upon the Quarterly County Court of said counties, such payments not to exceed a total of \$6,000.00 in each calendar year.

As amended by: Private Acts of 1970, Chapter 254,
Private Acts of 1971, Chapter 57,
Private Acts of 1972, Chapter 277.

SECTION 2. That all Acts of part of Acts in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 3. That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds of the members of the said Court, such approval to be made by said Court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965, the public welfare requiring its becoming effect at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly Court shall be certified by the Chairman of said Court to the Secretary of State.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1965.

ADMINISTRATION
COUNTY LEGISLATIVE BODY
COMPENSATION

PUBLIC ACTS OF 1967

CHAPTER 258

COMPILER'S NOTE: Although a "Public" act, these provisions have special effect and are not found in Tennessee Code Annotated.

SECTION 1. In counties of the first class as defined in Tennessee Code Annotated Section 8-2402 and utilizing a commission form of government, the compensation of each County Commissioner, for their full term of office, or of each officer succeeding to the powers and fulfilling the duties of a County Commissioner shall be not less than the maximum annual compensation paid the County Court Clerk as provided in Tennessee Code Annotated Section 8-2403, but any such county may by Private Act provide for annual compensation in a larger amount. Provided further, that in each county coming within the provisions of this Act the annual compensation of each such Commissioner or successor shall be equal to that of each of the other Commissioners or successors.

As amended by: Public Acts of 1971, Chapter 281,
 Public Acts of 1972, Chapter 788,
 Public Acts of 1975, Chapter 289.

SECTION 2. This Act shall take effect July 1, 1967, the public welfare requiring it.

Passed: May 22, 1967.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

DEPOSIT OF COUNTY FUNDS

PRIVATE ACTS OF 1917

CHAPTER 481

SECTION 1. That it shall be the duty of County Court in counties having a population of 190,000 or over, according to the Federal Census of 1910 or any subsequent Federal Census, through their Chairman, to advertise for bids from banks for the handling and custody of all county funds, such bids to be submitted to the County Courts at the regular January term of the Court, beginning in the year 1919 and every year thereafter.

SECTION 2. Be it further enacted, that the county legislative body in such counties shall be required to receive bids for the custody and deposit of county funds; the county legislative body shall award a contract for not more than four (4) years for the custody of county funds to the depository bank whose bid it approves, but said contract shall not be effective until it is approved by a majority of the members of the county legislative body. In said bid and contract the county legislative body shall be required to demand and receive interest on county funds on the average monthly balance of county funds deposited under said depository contract. If no award shall be made and no contract executed after the first advertisement for bids, or if no bid shall be received, then and in either of these events, the County Court shall have the right and is hereby directed to readvertise and make an award and execute a contract with a depository at some subsequent term of the County Court.

As amended by: Private Acts of 1937, Chapter 496,
Private Acts of 1984, Chapter 248.

SECTION 3. That, when the award is made, the successful bidder shall enter into a contract in accordance with his bid, to be executed on the part of the county by the Chairman of the County Court; and such successful bidder shall give a bond in the penalty of such sum as may be fixed by the County Court, conditioned for the faithful performance of its contract, and to account to the county for all funds received.

SECTION 4. That it shall be the duty of the several County Trustees to deposit the county's funds in the depository designated by the County Court in the manner above stated; and such Trustees shall be relieved of all responsibility attendant upon care and custody of said funds by said depository.

SECTION 5. The depository shall report to the County Court annually with respect to the funds which it has had on deposit during the preceding year, together with the amount of interest earned thereon and credited to the county in accordance with its contract, said report to be made at the January term of the County Court; and the amount of interest earned and to which the county is

entitled, shall, at such time, be credited by the County Trustee, upon his books, to the general fund to be used for general county purposes.

SECTION 6. That all moneys that would otherwise remain in the possession of the County Trustees of said counties for a period of two years or longer unless let out under the provisions of this Act shall be let out by the County Court to the successful bidder for a period of two years from the date of the award, and said County Courts shall let out all other funds for such period or periods of time as said funds shall not be needed or used for the purposes for which such funds are intended.

SECTION 7. That all other laws, in conflict herewith, be and the same are hereby repealed; and that this Act take effect for the purpose of advertising for bids, December 1, 1918, and for all other purposes January 1, 1919.

Passed: April 5, 1917.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

HOLDING OF OFFICE

PRIVATE ACTS OF 1911

CHAPTER 217

SECTION 1. That in all counties of this State having a population of one hundred and ninety thousand or more, according to the Federal census of 1910 or any subsequent Federal census, no member of the County Court shall be entitled to hold or fill any office of profit within the gift of the County Court or its Chairman, where the salary or compensation is fixed or paid by the County Court; *provided, however*, that this shall not apply to the office of Chairman of the County Court or members of any auditing committee.

As amended by: Private Acts of 1911, Chapter 538.

SECTION 2. That all laws in conflict herewith be, and the same are hereby, repealed.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 30, 1911.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 et seq. The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following acts once applied to the quarterly court or the county legislative body of Shelby County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1825, Chapter 318, set the date for holding the Shelby County Court to the third Monday in January, April, July and October.
2. Public Acts of 1827, Chapter 44, provided that the county court of Shelby County select three justices of the peace and provided for their duties and compensation.
3. Private Acts of 1859-60, Chapter 39, authorized the county court to appoint three additional notaries public who were to keep their office in Memphis.
4. Public Acts of 1865, Chapter 1, provided that if the county judge of Shelby County should fail to hold court or resign, and a majority of the magistrates failed to appear and elect a chairman, then any judge or chancellor in the county would have full power to hold the county court and discharge the duties of the county judge.
5. Public Acts of 1865-66, Chapter 13, validated the actions of the county court meetings which had been held in Memphis rather than in Raleigh.
6. Private Acts of 1865-66, Chapter 159, Section 11, authorized the county court to pay judges of chancery, common law and criminal courts up to \$1,000 per year for the discharge of their duties.

7. Public Acts of 1866-67, Chapter 46, provided for the election of eight additional justices of the peace from Memphis, in addition to the four already provided for by law. This was repealed by Public Acts of 1869-70, Chapter 10.
8. Public Acts of 1901, Chapter 140, authorized the Shelby County Court to appropriate additional compensation to the judges of the circuit, chancery and criminal courts and judges of the special courts the county.
9. Acts of 1907, Chapter 474, set the salary of justices of the peace at \$5.00 per day for actual attendance.
- 10.. Acts of 1909, Chapter 460, authorized the quarterly county court by resolution to appropriate any special fund in the hands of the county trustee to any county purposes with the provision that the fund not be needed for the purpose for which it was intended and that the fund be repaid in the next tax levy.
11. Private Acts of 1911, Chapter 218, required that the proceedings of the county court be published in some daily newspaper of the county. This was repealed by Private Acts of 1917, Chapter 99.
12. Private Acts of 1911, Chapter 280, amended general law to provide that incorporated towns in Shelby County were not entitled to elect a justice of the peace.
13. Private Acts of 1911, Chapter 429, made it unlawful for any justice of the peace in Shelby County to have an office in any district except the one from which he was elected, with the allowance that if his district was partially in an incorporated municipality, then his office could be in any part of the municipality.
14. Private Acts of 1913, Chapter 39, denied justices of the peace jurisdiction over the person of a lunatic or of unsound mind in the holding of an inquest to determine their sanity, or in a hearing to commit them to an institution.
15. Private Acts of 1917, Chapter 584, amended the general juvenile law found in Public Acts of 1915, Chapter 32, which provided that the Shelby County Court could expend up to \$10,000 per year to use through the juvenile court for the partial support of poor women, who were the mothers of children under the age of sixteen.
16. Private Acts of 1919, Chapter 229, authorized Shelby County to appropriate \$25,000 for a celebration of the centennial of the City of Memphis.
17. Private Acts of 1921, Chapter 74, set the salary and compensation to allow for mileage for members of the quarterly county court. This salary was raised by Private Acts of 1927, Chapter 590, and subsequently lowered, first by Private Acts of 1933, Chapter 371, and again by Private Acts of 1939, Chapter 258.
18. Public Acts of 1921, Chapter 101, set the salary of the clerk of the Shelby County Court to \$7,500 per annum.

19. Private Acts of 1933, Chapter 862, authorized the Shelby County Quarterly Court to appropriate the necessary county funds for the enforcement of Public Acts of 1933, Chapter 69, which was the alcoholic beverage control law.
20. Private Acts of 1935, Chapter 398, removed the disabilities of infancy of Mrs. Gladys W. Luster and gave her full contract, property and all other rights and privileges of persons twenty-one years of age.
21. Private Acts of 1947, Chapter 518, set the salary of the chairman of the Shelby County Court, as well as other county officials.
22. Private Acts of 1951, Chapter 159, was an act that set the compensation of the chairman of the Shelby County Court to \$4,800 per year plus office expenses.
23. Private Acts of 1957, Chapter 158, set the per diem salary of a Shelby County Justice of the Peace at \$25 for each day the quarterly county court was in session.

ADMINISTRATION

COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined in accordance with T.C.A. § 8-24-102.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

The following acts once affected the office of county register in Shelby County, but are no longer operative.

1. Public Acts of 1859-60, Chapter 91, removed the office of register of Shelby County from the town of Raleigh to the City of Memphis.
2. Private Acts of 1866-67, Chapter 40, authorized the register of Shelby County to proceed forthwith to make a correct general index to all books of registration in his office, up to the first of January, 1867. This act also provided that the county court was to appoint a three person inspection committee to inspect those registration books.
3. Public Acts of 1869-70, Chapter 51, provided that the Shelby County Register be the lawful officer to hold the municipal election in the City of Memphis on January 6th, 1870, and the sheriff of Shelby County be the proper officer to hold elections thereafter.
4. Private Acts of 1917, Chapter 77, fixed the salary of the Shelby County Register to \$4,000 per annum.
5. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Register to \$6,000 per annum.
6. Private Acts of 1933, Chapter 610, set the salary of the Shelby County Register to \$6,000 per annum.
7. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Register to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the county register to \$6,000 per annum.

8. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Register to \$7,200 per annum.

ADMINISTRATION

COUNTY TRUSTEE

CORRECTION OF ERRORS

PUBLIC ACTS OF 1973

CHAPTER 119

COMPILER'S NOTE: This public act is included in this volume because its provisions have special effect, applying only to Shelby County, and are not found in Tennessee Code Annotated.

SECTION 1. Whenever there is an error in the Trustee's books in regard to the receiving and recording of a tax payment, when the same occurs as the result of a clerical or bookkeeping error, or any other error material to the receiving and properly recording of a tax payment, the Trustee shall make the necessary corrections and report the difference, if any, in his releasement list. This Act shall only apply to those counties with populations over 600,000 according to the 1970 Federal Census, and to counties having a population of not less than 44,000 nor more than 45,000 by the Federal Census of 1970 or any subsequent Federal Census.

As amended by: Public Acts of 1974, Chapter 563.

SECTION 2. All laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect upon becoming law, the public welfare requiring it.

Passed: April 25, 1973.

ADMINISTRATION

COUNTY TRUSTEE

PROPERTY TAX PAYMENTS

PRIVATE ACTS OF 1970

CHAPTER 320

SECTION 1. In counties having a population of Six Hundred Thousand (600,000) or more, according to the Federal Census of 1960 or any subsequent Federal Census, the Trustee is authorized to accept payment of property taxes in two (2) installments, the first being prior to December 1, and the second prior to March 1st. Provided, the first installment is not made prior to December 1, the entire tax must be paid in one installment prior to March 1st.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the quarterly county court of any county to which it may apply on or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 2, it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: February 18, 1970.

COMPILER'S NOTE: This act can also be found in Chapter 13, Taxation, of this volume.

ADMINISTRATION

COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee". The salary of the county trustee is determined in accordance with T.C.A. § 8-24-102.

The following acts once affected the office of county trustee in Shelby County, but are no longer operative.

1. Private Acts of 1824, Chapter 119, authorized that the Shelby County Trustee pay over to the trustee of Tipton County a portion of the county tax which had been collected by the sheriff of Shelby County for the year 1823.
2. Public Acts of 1895, Chapter 91, fixed the compensation of the Shelby County Trustee to \$3,000 annually for collecting and disbursing the taxes of the city of Memphis.
3. Private Acts of 1917, Chapter 77, fixed the salary of the Shelby County Trustee to \$6,000 per annum.
4. Public Acts of 1921, Chapter 101, fixed the salary of the Shelby County Trustee to \$7,500 per annum.
5. Private Acts of 1931, Chapter 891, set the salary of the Shelby County Trustee to \$6,000 per annum.
6. Private Acts of 1933, Chapter 611, set the salary of the Shelby County Trustee to \$7,500 per annum.
7. Private Acts of 1951, Chapter 160, amended Private Acts of 1931, Chapter 891, by setting the salary of the Shelby County Trustee to \$7,200 per annum.
8. Private Acts of 1953, Chapter 301, amended Private Acts of 1931, Chapter 891, by setting the salary of the Shelby County Trustee to \$8,000 per annum.

ADMINISTRATION

FOREIGN TRADE ZONE

PRIVATE ACTS OF 1959

CHAPTER 202

SECTION 1. That the County of Shelby be and it hereby is authorized, in cooperation with the City of Memphis, to make application to the Foreign-Trade Zones Board for a grant to such County and City of the privilege of establishing, operating and maintaining within Shelby County, Tennessee, a foreign trade zone in accordance with the provisions of Chapter 590 of the Acts of Congress of June 18, 1934, as amended (19 USC Section 81a et seq.).

SECTION 2. That the County of Shelby be and it hereby is authorized, upon the granting of said application, and in cooperation with the City of Memphis, to establish, operate and maintain or cause to be established, operated and maintained through the Memphis and Shelby County Port Commission or through contract with any other persons, firms or corporations a foreign trade zone within Shelby County, Tennessee.

SECTION 3. That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds of the members of said Court, said approval to be made by said Court within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1959, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or nonapproval of this Act by said Quarterly County Court shall be certified by the Chairman of the said Court of the Secretary of State.

Passed: March 18, 1959.

ADMINISTRATION

HOSPITALIZATION PLAN

PRIVATE ACTS OF 1953

CHAPTER 310

SECTION 1. That the Quarterly County Courts of all counties of the State having a population of 350,000, or more, by the Federal Census of 1940, or any subsequent Federal Census, are hereby authorized to establish, by resolution, a hospitalization plan for all officials and persons regularly employed by said County and members of their families; to determine who shall be eligible to participate under said plan; to incur the expense of experts to determine the feasibility of such plan, its probable cost and administrative matters pertaining thereto; to contract with any Insurance Company properly licensed and qualified to do business in Tennessee in connection therewith, or any hospital, or hospitals, properly operating in said County, including any hospital operated wholly or in part by any county or municipality; to determine to what extent, if any, the cost of such hospitalization shall be borne by employees, by the County, or both, and fix rates based on the beneficiaries of such plan; to determine how the share of the employee, if any, shall be collected; to appropriate and pay for the share, if any, of the County; to provide for the administration of said plan and the cost in connection therewith and to do all things necessary to establish and comply with the purposes of this Act.

SECTION 2. That "officials" as referred to in this Act, shall mean all officials elected by popular vote or elected by the Quarterly County Court and who are paid a salary by the County for service rendered.

SECTION 3. That all laws, or parts of laws, in conflict herewith be, and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 26, 1953.

ADMINISTRATION

NEPOTISM

PRIVATE ACTS OF 1931

CHAPTER 561

SECTION 1. That after one (1) month from the passage of this Act it shall be unlawful for any public officer, in counties of this State having a population of more than 300,000, according to the Federal Census of 1930, or any subsequent Federal Census, to employ as deputies or subordinates more than one (1) relative, connected by affinity or consanguinity, within the third degree, computed according to the civil law.

SECTION 2. That any violation of this Act shall constitute a misdemeanor in office and shall be punished as such.

SECTION 3. That this Act take effect from and after its passage, according to its terms, the public welfare requiring it.

Passed: June 23, 1931.

ADMINISTRATION

PLANNING COMMISSION

PRIVATE ACTS OF 1935

CHAPTER 706

SECTION 1. Planning Commission: Creation and appointment.--The Quarterly County Court (hereinafter designated legislative body) of any County in this State having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent federal census, may create a planning commission. The Chairman of the Quarterly County Court, the Chairman of the Board of Commissioners of any such County having a Board of Commissioners, the Commissioner of public roads if there be such Commissioner, the County Engineer if there be a County Engineer, and the Chairman of the Planning Commission of each municipality in such Counties, where there are municipal planning commissions within such Counties, shall be ex-officio members of the commission. The legislative body shall appoint five (5) citizen members of such commission who shall be residents of said County, and whose term of office shall be three (3) years, except that the respective terms of the five (5) citizen members first appointed shall be respectively one for one (1) years (year*), two for two (2) years, and two for three (3) years. Said appointive members shall hold no other public office or position except that any of them may be an appointive member of the municipal, regional, state or other planning commission. All members of the County planning commission shall serve as such without compensation, and shall hold office until their successors are duly appointed and qualified. Any appointive member may be removed for cause by the legislative body of the County, after due notice of charges filed in writing, and after a public hearing. Any vacancy in appointive membership shall be filled by the legislative body for the unexpired term.

SECTION 2. County Planning Commission: Organization, Rules, Staff, and Finances.-- The County Planning Commission shall elect from amongst the appointive members a Chairman, whose term shall be for one year with eligibility for reelection, and the commission may create and fill such other offices as it may determine. It shall have the power and authority to appoint such employees and staff as it may deem necessary for its work, and may contract with planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the County Commissioners. The Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Upon request of the commission, the County Commissioners or other County Officials or the Chief Executive officer of any municipality may from time to time, for the purpose of special surveys under the direction of the planning commission, assign or detail to the commission any members of staffs of County or municipal administrative departments, or may direct any such department to make for the commission special surveys or studies requested by the commission.

SECTION 3. County Master Plan.--It shall be the function and duty of the County Planning Commission to make and adopt a master plan for the physical development of the unincorporated territory of the County. Any such plan may include the planning of incorporated areas to the extent

to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the County as a whole; *provided, however*, that the plan shall not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal planning commission thereof. The master plan of the County, with the accompanying maps, plats, charts and descriptive and explanatory matters, shall show the County planning Commission's recommendations for the development of the territory covered by the plan, and may include, amongst other things, the general location, character, and extent of streets or roads, viaducts, bridges, waterway and water-front developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places, and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general character, location, and extent of community centers, town sites, or housing developments; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development; a land-classification and utilization program; and a zoning plan for the regulation of the height, area, bulk, location, and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation, and other purposes.

In addition to such features of the County plan as may come wholly or partially within County jurisdiction the planning commission may incorporate in its master plan similar elements of the plan existed and proposed within municipal and State jurisdiction as have or are likely to bear an important relation to the above County. Such master plan shall be a public record, but its purpose and effect shall be solely as an aid to the planning commission in the performance of its duties.

SECTION 4. General Purposes of the Plan.--In the preparation of the County master plan the County planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction. The County master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the County which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, or the general welfare of the inhabitants, as well as efficiency and economy in the process of development, including, amongst other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other purposes, as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities, and recreational, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water, and of drainage, sanitary, and other facilities and resources.

SECTION 5. Adoption of Master Plan.--The County planning commission may adopt the County master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter which may be included in the plan. *Provided, however*, that the planning commission may report to the legislative

body parts of the master plan not embracing the entire area of the County where the public health, safety and welfare may require the adoption of a master plan for such limited unincorporated areas before the completion of the master plan for all unincorporated areas within the County. The commission may from time to time amend, extend, or add to the plan, or carry any part of it into greater detail. The adoption of the plan or any part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or maps and descriptive matter by the identifying signature of the secretary of the commission.

SECTION 6. Certification of Plan to Counties and Municipalities and Subsequent Adoption by Municipalities.--The County planning commission shall certify a copy of its master plan or any adopted part or amendment thereof or addition thereto to the legislative body of the County. The County planning commission shall certify such copies to the planning commissions of all municipalities within the County. Any municipal planning commission which receives any such certification may adopt so much of the plan, part, amendment, or addition as falls within the territory of the municipality as a part or amendment of or addition to the master plan of the municipality, and when so adopted, it shall have the same force and effect as though made and prepared, as well as adopted, by such municipal planning commission.

SECTION 7. Miscellaneous Powers of the Commission.--It shall be the further duty of a County planning commission to promote the cooperation of the planning commissions of municipalities within the County and the co-ordination of the plans of such municipalities and the co-ordination of such plans with the County plan, and generally to confer with and advise municipal and County executive and legislative officials for the purpose of promoting a co-ordinated and adjusted development of the County. Any such commission may also advise County commissioners or other County bodies or officers with respect to the formulation of public improvement programs and the financing thereof.

All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The members and employees of the commission, in the performance of its functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary for it to perform its functions and to promote county planning.

SECTION 8. Legal Status of Plan.--Whenever any County planning commission shall have adopted a master plan of the County or any part thereof, then and thenceforth no road, park, or other public way, ground, or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the County until and unless the proposed location and extent thereof shall have been submitted to and approved by such County planning commission; *provided, however*, that in case of disapproval, the commission shall communicate its reasons to the legislative body or other board or commission of the County in which the public way, ground, space, building, structure, or utility is proposed to be located; and such board shall have the power to overrule such disapproval by a vote of not less than two thirds of its entire membership, and upon such overruling said board or other official in charge of the proposed construction or authorization may proceed therewith; *provided further, however*, that if the public way, ground, space, building, structure, or utility be one the authorization or financing

of which does not, under the law governing the same, fall within the province of the legislative body or other county official or board then the submission to the commission shall be by the body or official having such jurisdiction, and the commission's disapproval may be overruled by said body by a vote of not less than two thirds of its entire membership or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting board, body, or official.

SECTION 9. Official Map, and Amendment of Same.--The legislative body of any County is hereby empowered, after receiving the advice of the County planning commission, to adopt and establish an official map of the County showing the highways, freeways, parks, parkways, and sites for public building or works, including subsurface facilities, in the acquisition, financing, or construction of which the county has participated or may be called upon to participate. After the adoption and establishment of such map, as often as such legislative body may deem it for the public interest, such body may change or add to such map or any part thereof. Such map is established to conserve and promote the public health, safety, convenience, or welfare. Before acting thereon in the first instance, and before adopting any amendments thereto, such legislative body, after notice of time and place has been given by one publication not less than seven (7) days before the meeting at which action is to be taken, in a newspaper of general circulation in the county, and after written notice to the official bodies and departments enumerated hereinunder, shall hold a public hearing thereon at which representatives of the County planning commission, the County departments, the municipalities in the County, property owners, and others interested therein shall be heard. Before holding any such public hearing, such legislative body shall submit such proposed change or addition to the County planning commission for its consideration and advice, and shall fix a reasonable time, not, however, less than twenty days, when such county planning commission may report thereon. Upon receipt of such advisory report from the County planning commission, or upon the failure of such commission to report within the time limit so fixed, such legislative body may thereupon act upon the proposed change or addition, but any action adverse to the report of the county planning commission shall require the affirmative recorded vote of the majority of all the members of such legislative body. When approved in whole or in part by the legislative body of any county, such county official map or part thereof, including any such change or addition, shall be deemed to be binding upon the legislative body of the county and the several county departments thereof, and no expenditure of public funds by such county for construction work, or the acquisition of land for any purpose enumerated in section three, shall be made except in accordance with such official map.

Changes in and amendments to the official map may be initiated by the county planning commission and if such changes or amendments be approved by an affirmative recorded vote of the majority of all the members of such commission it shall have the power to fix the time of the public hearing before the legislative body and to give due notice thereof in the same manner as hereinbefore set out where notice is required to be given by the legislative body.

SECTION 10. Definitions.--For the purposes of this Act, "unincorporated", means situated outside of cities, towns, villages or other municipal corporations incorporated under any general or special Act of the General Assembly of the State of Tennessee, so that when used in connection with "territory", "areas", or the like, it covers, includes and relates to territory or areas which are not

within the boundary of any city, town, or municipal corporation; “incorporated” means situated within cities, towns, villages and municipal corporations incorporated under any special or general law of the General Assembly of the State of Tennessee; the term “municipality”, “municipalities”, or “municipal” includes or relates to such incorporated municipal corporations; and “council” means the chief legislative body of a municipality whether designate council, commission, board of aldermen, or by any other title.

SECTION 11. Should any section or provisions of this Act, or of the regulations adopted pursuant to the authority hereof be held to be unconstitutional or invalid, the same shall not affect the validity of this Act, or of such regulations, as a whole, or any part thereof, other than the part so held to be unconstitutional.

SECTION 12. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20, 1935.

ADMINISTRATION

PROPERTY FOR PUBLIC PURPOSES

PRIVATE ACTS OF 1953

CHAPTER 446

SECTION 1. That all counties of the State having a population of 350,000 or more by the Federal Census of 1950, or any subsequent Federal Census, be authorized and empowered by and through its Quarterly County Court, in conjunction with any municipality thereof, and in addition to all other authorities and powers delegated to it, to acquire, erect, construct, reconstruct, renovate, restore, repair and maintain, a site or sites, building or buildings, and statues, memorials, markers and monuments, and to supervise the operation, maintenance, preservation and control thereof, for public purposes, including but without being limited to use or uses as historical site or sites, historical building or buildings, statutes, memorials, markers and monuments, or other similar sites, structures and objects; and to appropriate and contribute such amount or amounts from the funds of said counties for the aforesaid purposes as it shall deem proper and in the best interest of said counties; and to levy taxes therefor.

SECTION 2. That said counties are hereby expressly given the power, in conjunction with and in cooperation with any municipality thereof, to condemn, for the purposes hereinbefore enumerated, the property of any other person or corporation, and the procedure for the exercise of this power of condemnation shall be the same as that now provided by law for the taking of private property for public uses.

SECTION 3. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1953.

ADMINISTRATION

PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 et seq. Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$10,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$5,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds (2/3) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 et seq.

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county operates under one act rather than three. This system must be approved by a two-thirds (2/3) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$5,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$5,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$5,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

County governments may use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by considering the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws. T.C.A. § 12-3-1008. The Tennessee Department of General Services (TDGS) may upon request, purchase supplies and equipment for any county. Counties, without public advertisement and competitive bidding, may purchase under the provisions of contracts or price agreements entered into by TDGS. Also, county governments may purchase goods, except motor vehicles, under federal General Services Administration (GSA) contracts, to the extent permitted by federal law or regulations. T.C.A. § 12-3-1001.

Counties are authorized to distribute and receive bids, proposals and other offers electronically, but are prohibited from requiring small or minority owned businesses to receive or respond electronically. T.C.A. § 12-3-704.

ADMINISTRATION

REGULATION OF AUTOMOBILE YARDS

PRIVATE ACTS OF 1929

CHAPTER 491

SECTION 1. That Boards of County Commissioners in Counties of this State having a population of more than 220,000, according to the Federal Census of 1920 or any subsequent Federal Census, be and are hereby authorized and empowered to make and establish reasonable rules and regulations for the establishment, operation and maintenance of automobile garages, repair shops, storage places and junk yards where old automobiles or automobile parts are stored, located on or near public highways in such Counties, so as to preserve and protect the safety, health and morals of the public, and especially of those using the highways at or near the location of such automobile garages, repair shops, storage places or junk yards where old automobiles or automobile parts are stored, and those who patronize same.

SECTION 2. That the establishment, maintenance or operation of any automobile garage, repair shop, storage place or junk yard where old automobiles or automobile parts are stored, in violation of or in conflict with any schedule of regulations adopted by any Board of County Commissioners as authorized by this Act, shall be and is hereby declared to be a public nuisance, which may be punished or abated as such.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1929.

ADMINISTRATION

RESTRUCTURING ACT

PRIVATE ACTS OF 1974

CHAPTER 260

COMPILER'S NOTE: Having been approved in a referendum on August 1, 1974, this act restructured the government of Shelby County, effective January 1, 1976.

SECTION 1. Subject to approval of a majority of the voters of Shelby County, voting in a referendum to be held August 1, 1974, the government of Shelby County is hereby restructured and established in the manner and form hereinafter provided:

ARTICLE I.

POWERS AND FUNCTIONS

SECTION 1.01. POWERS AND FUNCTIONS. The Government of Shelby County is vested in a Mayor-County Court form of government and shall exercise any power or perform any function which is not denied by the Constitution of the State of Tennessee. It is the intent of this Chapter that the limitations on the powers of county government shall be strictly construed, and that grants of power to county government shall be liberally construed.

SECTION 1.02. PRIVATE AND LOCAL AFFAIRS. With regard to private and local affairs, it is hereby deemed expedient to vest all lawful powers in the Mayor-County Court Government, except those powers reserved in the judiciary. This investment of legislative, executive and other powers and duties shall be as full and complete, and the authority to perform or to direct them as broad as it is possible to delegate or confer, it being the Legislative intent to invest in the government of Shelby County every authority and power and responsibility for the conduct of the affairs of the government of Shelby County, including the powers to adopt and enforce resolutions.

ARTICLE II.

BOARD OF COUNTY COMMISSIONERS

SECTION 2.01. LEGISLATIVE POWERS. The legislative power of the county is vested in the Board of County Commissioners of Shelby County, hereinafter called the Legislative Branch. The legislative power includes all lawful authority to adopt resolutions governing the operation of government or regulating the conduct and affairs of the residents of the county, to fix the county tax rate, to adopt the county budget, to make appropriations of county funds for all legal purposes, and to exercise all other authority of a legislative nature which is vested in the county by the Constitution, general statutes, or special, local or private acts of the General Assembly. The Legislative Branch may adopt any resolution which is not in conflict with the Constitution of the State of Tennessee or this chapter.

As amended by: Private Acts of 1979, Chapter 165.

SECTION 2.02. OTHER POWERS. The Legislative Branch is vested with all other powers of the county not specifically or by necessary implication vested by the Constitution or by statute not inconsistent with this Act in some other official of the County. In exercising its legislative functions, the Legislative Branch may employ, subject to budgeting limitations, special counsel, assistants, and other employees. However, neither the Legislative Branch nor the Chairman of the Legislative Branch shall exercise executive, administrative or judicial powers or perform any functions of the Mayor-County Court Government delegated or assigned by the terms of this Act to other offices, branches or departments of County Government. Whenever any Public or Private Act of the State purports to authorize the County Court or its Chairman to perform any administrative or executive act or function, then such act or function shall be performed by the County Mayor.

The Chairman of the Board of County Commissioners shall have the right to serve himself or to appoint from the membership of the Board of County Commissioners, in writing, a designee, to serve in his place and stead on the Memphis and Shelby County Convention Center Commission, the Board of Administration of the Retirement System of the County of Shelby or any other Board, Authority or Commission that he serves on by virtue of his holding the office of Chairman of the Board of Commissioners and said designee shall have all powers, including the power to vote, as are conferred upon the Commission Chairman. Any designee appointed by the Commission Chairman under the provisions of this section shall serve for a period not to exceed the term of the Chairman. During such periods of appointments, either the specified designee or the Commission Chairman may exercise the voting powers granted by this section. However, at any meeting attended by the Commission Chairman, only the Commission Chairman shall exercise the voting power.

As amended by: Private Acts of 1983, Chapter 74.

SECTION 2.03. RESOLUTIONS.

1. The Legislative Branch shall exercise its legislative authority by resolution except as otherwise specifically provided by this Chapter. Every resolution of the County Court shall be submitted to the County Mayor. If the County Mayor signs it, the resolution shall become effective immediately or at a later date if the resolution so provides. If the County Mayor vetoes the resolution, he shall return it to the County Court for action on his veto, in which case it shall become effective only upon subsequent passage by a majority of all the members comprising the County Court, which passage must take place within thirty (30) days of receiving the County Mayor's message of veto. If the County Mayor fails either to sign or to veto a resolution and to report his action to the County Court within ten (10) days after the resolution is submitted to him, he shall have no further power to veto the resolution and it shall become effective without his signature upon the expiration of the ten (10) day period or at a later date if the resolution so provides.
2. No resolution shall become effective which embraces more than one (1) subject, that subject to be expressed in the title. All resolutions which repeal, revise, or amend former resolutions or acts of the County, shall recite in their caption the title or substance of the resolution or act repealed, revised, or amended.

3. It shall be the duty of the duly authorized clerk of the legislative body to deliver to the county mayor a true and attested copy of all resolutions within four (4) working days of final passage.
4. Within thirty (30) days of final passage, the Court Clerk [sic] shall cause to be delivered to the County Attorney a certified copy of every resolution.
5. The County Court Clerk shall maintain an up-to-date record of all resolutions and furnish a true copy to interested persons for a reasonable fee.

As amended by: Private Acts of 1976, Chapter 199.
 Private Acts of 1980, Chapter 253.

SECTION 2.04. MEMBERSHIP AND ELECTION. The Board of County Commissioners of Shelby County shall be the Legislative Branch of Shelby County Government, whose members shall be elected by the people for such terms and from such districts as may from time to time be provided by law.

As amended by: Private Acts of 1979, Chapter 165.

SECTION 2.05. RECODIFICATIONS. The Legislative Branch shall, at least once every five (5) years, cause to be prepared a recodification of all laws and resolutions of general application which are continued in force, together with this Chapter and all amendments thereto, Private Acts of the Tennessee General Assembly enacted prior to the effective date of this Chapter which are applicable to the County Government, and all applicable Public Acts of the State of Tennessee. Where appropriate, references to formal opinions of the County Attorney shall be made in footnotes. To this end, the Legislative Branch shall cause the County Attorney to prepare such recodifications. Existing laws and resolutions may be renumbered, separated, or consolidated in making the recodification, which shall then be adopted as a single resolution to be known as the Official Code of the Shelby County Government, and thereupon, all conflicting resolutions shall be automatically repealed provided; however, that no substantive changes, additions, or deletions in the laws of the Shelby County Government may be made as a result of the adoption of the Code resolution. The recodification shall be reproduced in pamphlet or book form and shall be made available to any person desiring a copy for which a reasonable fee shall be charged. Fees may be charged for annual revisions. After adoption of the Code, each resolution of general application shall be adopted as a numbered section or sections of the Code. New such resolutions shall be published annually as an Appendix to the Code and shall be incorporated and published in a new Code from time to time, but not less than once every five (5) years, as the Legislative Branch may direct.

ARTICLE III.

EXECUTIVE BRANCH

SECTION 3.01. EXECUTIVE AND ADMINISTRATIVE POWERS. The Executive and Administrative powers of the Shelby County Government shall be vested in and exercised by the County Mayor, also called the Executive Branch, and, under his control and direction, by such subordinate major divisions, departments, boards, offices, officers and agencies as are created or authorized in this Chapter or by the County Court pursuant hereto.

SECTION 3.02. FUNCTION, DUTIES. Any function or duty may be assigned or reassigned by the County Mayor to one of the major divisions herein created, except that the County Mayor acting alone shall have the power to veto resolutions of the County Court as set forth herein before and the power to appoint members of all Boards, Authorities and Commissions, and the power to appoint and remove the Chief Administrative Officer and the Director of the Division of Public Works, the Director of the Division of Fire and Corrections and the Director of the Division of Community Services and the Director of the Division of Health Services, and the power to appoint and remove the County Attorney, Director of the Division of Administration and Finance, County Purchasing Agent, and County Administrator of Personnel.

As amended by: Private Acts of 1977, Chapter 92.
Private Acts of 1977, Chapter 96.
Private Acts of 1979, Chapter 37.
Private Acts of 1979, Chapter 112.
Private Acts of 1982, Chapter 255.
Private Acts of 1982, Chapter 277.

SECTION 3.03. EXECUTIVE BRANCH. The County Mayor shall be the head of the Executive Branch of Shelby County Government, responsible for the exercising of all executive and administrative functions of the county government and shall be the chief fiscal officer of the county. He shall devote his full time to the performance of his duties as County Mayor.

SECTION 3.04. COUNTY MAYOR-TERM, QUALIFICATIONS, COMPENSATION. The first County Mayor shall be elected in a special election to be held October 9, 1975, and shall take office January 1, 1976, and shall serve until August 31, 1978; thereafter the County Mayor shall be elected each four years, commencing with the August, 1978 general election, and shall take office on September 1 following his election.

He shall be a resident of Shelby County at the time of his election. The County Mayor's minimum salary shall be Thirty Thousand Dollars (\$30,000.00) per annum. The salary of the County Mayor may be increased or decreased from time to time by resolution of the County Court; provided, however, that no change in salary shall take place during the term for which the County Mayor was elected.

SECTION 3.05. COUNTY MAYOR - VACANCY. If a vacancy occurs in the office of County Mayor by death, resignation, removal or otherwise, the vacancy shall be filled by the County Court until the next August general election, at which time a successor shall be elected for the unexpired term.

SECTION 3.06. POWERS OF THE EXECUTIVE BRANCH. The County Mayor shall be the Chief Executive Officer of the Shelby County Government. The County Mayor is hereby authorized to administer, supervise and control all departments created by this Chapter and all the departments created by resolution pursuant hereto, except as herein otherwise specifically provided. Such administration shall be by and through the Department Heads and other officials of government under the supervision and control of the County Mayor.

In addition, the County Mayor shall:

1. Appoint and suspend or remove, with or without cause, all subordinate officers and employees, except as otherwise set forth herein.
2. See that all resolutions of the County Court and all laws of the state subject to enforcement by them or by officers who are subject, under this Act, to their direction and supervision are faithfully executed.
3. Prepare and submit to the County Court with the assistance of appropriate Department Heads and other responsible officials the budgets and financial reports. All elected County Officials shall submit their budgets to the County Court, which shall provide a copy of each to the County Mayor. The County Mayor shall present the consolidated budget of the County to the County Court at its April term in order for the County Court either to approve said budget as presented or to modify and amend the same as may be deemed requisite in order to determine the amount of taxes necessary to be assessed.
4. Examine regularly the accounts, records and operations of every department, office and agency of the Shelby County Government; make regular reports to the County Court on the affairs of the Shelby County Government; keep the County Court fully advised on the financial condition and future needs of the Shelby County Government; and make such recommendation on Shelby County Government affairs as he deems desirable.
5. Have and exercise all executive and administrative powers granted to and exercised by the Shelby County Quarterly Court and its Chairman and the Board of County Commissioners of the County of Shelby and its Chairman prior to the effective date of this Act, except as may otherwise be provided by this Act.
6. Take such other executive and administrative actions as are required by this Act or may be prescribed by the County Court.
7. Hold staff meetings of all Department Heads and such other officials of the Shelby County Government as he shall deem necessary.
8. Consolidate and reorganize the various county administrative departments and offices, including those established pursuant to this Chapter, upon concurrence by the County Court.
9. Have power to contract with the various municipalities and agencies in the County for the Consolidation of duplicating and overlapping services and functions, upon concurrence by the County Court. To this end, he may contract with any city, town, or agency to have such overlapping or duplicated services performed by the county or by any such city, town or agency, or by some office to be administered jointly by the contracting units. He may also contract with one or more neighboring states or counties, or both, for jointly conducting an institution or other service which may be rendered more efficiently or economically, or both, through a centralized institution, enlarged personnel, improved facilities, etc. serving more than the one contracting unit.
10. Provide for and maintain all accounting systems necessary for the Shelby County Government and for each department, office and agency thereof. He shall maintain such systems in accordance with generally accepted accounting principles applicable to

government entities, keeping accounting records for and exercising financial and budgeting control over such department, office or agency. All warrants in payment of obligations of the County Government shall be signed by the Director of the Division of Administration and Finance and countersigned by the County Mayor, either in person or by facsimile.

11. Have a veto power over all resolutions as herein before provided.
12. Have a veto power over the annual budgets of the County which he may exercise by vetoing specific items or parts of items without invalidating the whole. The veto shall be exercised and may be overridden by the same procedure as provided in Section 2.03, subsection 1.
13. Nominate members of all Boards, Authorities and Commissions, and their appointment shall be subject to the approval of a majority of the County Court. The Mayor shall report in writing each such nomination to the County Court and the appointment shall automatically result unless the County Court at the first regular meeting following receipt of notification of the nomination, by majority vote of the whole membership of the County Court votes to disapprove the appointment.
14. The County Mayor subject to the approval of a majority of the Board of County Commissioners of Shelby County shall have the authority to remove and discharge the members appointed in paragraph 13 of Article III, Section 3.06, for good cause shown. In addition the Chairman of the Board of County Commissioners of Shelby County is hereby empowered to commence said removal procedures if the County Mayor shall fail or refuse to act within ten (10) days after written demand by the Chairman.

Any removal proceeding commenced by the Chairman of the Board of County Commissioners of Shelby County shall be subject to the veto procedures contained in Article II, Section 2.03, of this Act.

15. Have the rights to serve himself or to appoint from his administrative assistants, executive assistants or any head of any division or department of county government, in writing, a designee, to serve in his place and stead on the Memphis and Shelby County Convention Center Commission, the Board of Administration of the Retirement System of the County of Shelby, and the Shelby County Public Records Commission of which the County Mayor is a member by law and said designee shall have all powers including the power to vote as are conferred upon the County Mayor. Any designee appointed by the County Mayor under the provisions of this Section shall be appointed to serve in that capacity for at least one (1) year, or the remainder of the term of office of the County Mayor whichever is less. During such periods of appointments, either the specified designee or the County Mayor may exercise the voting powers granted by this Section. However, at any meeting attended by the Mayor, only the Mayor may exercise the voting power.

As amended by: Private Acts of 1977, Chapter 32.
Private Acts of 1977, Chapter 46.
Private Acts of 1977, Chapter 92.
Private Acts of 1979, Chapter 37.
Private Acts of 1979, Chapter 165.
Private Acts of 1982, Chapter 225.

SECTION 3.07. BUDGET PROCEDURES. The head of each county office shall furnish to the County Mayor, through the Chief Administrative Officer, in a form specified by the Comptroller:

1. estimates of the revenues and expenditures of the office of the ensuing fiscal year,
2. estimates of the costs of any capital improvements pending or proposed to be undertaken (1) within the ensuing fiscal year and (2) within the four fiscal years immediately thereafter, and
3. such other information as the County Mayor requests.

All offices which receive appropriations from the County Government shall adhere to the budget as finally approved, both in total and in line item detail, except that the County Mayor shall have authority to approve transfers between line items within the total amount of each category of Personnel and Operation-Maintenance as set forth in the approved budget for any division, or for any department having no divisions. However, the County Court, in the appropriation resolution, may authorize the County Mayor to approve transfers from line items in Personnel categories to Operation-Maintenance categories and vice versa, for any division, or for any department having no divisions. Requests for such variations shall be submitted to the County Mayor through the Chief Administrative Officer. At any time, upon written request of the County Mayor, the County Court may transfer part or all of any unencumbered appropriation balance from one division or department to another. The revenues and expenditures of each division shall be credited and charged to each specific division or department to establish a net revenue or net expenditure for said division or department. The County Court shall appropriate on a net expenditure basis. Capital appropriations shall not be varied except with the approval of the County Court. No transfer shall be made from appropriation for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

As amended by: Private Acts of 1977, Chapter 92.
Private Acts of 1979, Chapter 37.
Private Acts of 1982, Chapter 225.

ARTICLE IV.

DIVISIONS OF THE EXECUTIVE BRANCH OF SHELBY COUNTY GOVERNMENT

SECTION 4.01. MAJOR DIVISIONS AND DIRECTORS CREATED.

1. There shall be the following major divisions of Shelby County Government:
 - a. Division of Administration and Finance.
 - b. Division of Public Works.
 - c. Division of Community Services.
 - d. Division of Fire and Corrections.

e. Division of Health Services.

2. There is established a Chief Administrative Officer who shall serve directly under the County Mayor. The County Mayor shall appoint, subject to the concurrence of a majority of the County Court, a Chief Administrative Officer who shall be trained or experienced in government and be subject to the immediate supervision of the County Mayor. He shall serve at the pleasure of the County Mayor. The Chief Administrative Officer shall coordinate, under the supervision of the Mayor, the activities of all administrative divisions, serve as special liaison between the County Mayor and all divisions, departments, Boards, Authorities and Commissions, and perform such administrative and executive duties as may from time to time be assigned to him by the County Mayor.
3. There is established a Director of Administration and Finance. He shall be appointed by the County Mayor with the concurrence of a majority of the County Commission, and to serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Administration and Finance, he shall perform such other duties as may be assigned to him by the County Mayor.
4. There is established a Director of the Division of Public Works. He shall be appointed by the County Mayor with the concurrence of a majority of the County Court and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Public Works, he shall perform such other duties as may be assigned to him by the County Mayor.
5. There is established a Director of the Division of Community Services. He shall be appointed by the County Mayor with the concurrence of a majority of the County Court, and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Community Services, he shall perform such other duties as may be assigned to him by the County Mayor.
6. There is established a Director of the Division of Fire and Corrections. He shall be appointed by the County Mayor with the concurrence of a majority of the County Commission, and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Fire and Corrections, he shall perform such other duties as may be assigned to him by the County Mayor.
7. There is established a Director of the Division of Health Services. He shall be appointed by the County Mayor with the concurrence of the majority of the County Commission, and shall serve at the pleasure of the County Mayor. In addition to his duties as Director of the Division of Health Services, he shall perform such other duties as may be assigned to him by the County Mayor.

As amended by: Private Acts of 1977, Chapter 96.
Private Acts of 1979, Chapter 36.
Private Acts of 1979, Chapter 112.
Private Acts of 1982, Chapter 277.

SECTION 4.02. DUTIES, POWERS AND FUNCTIONS. The duties, powers and functions of the departments within the divisions of the Shelby County Government shall be generally as set forth herein, and their jurisdiction shall extend throughout the Shelby County Government. The Mayor shall have the power to appoint, suspend, or remove his own subordinates who are within Civil Service Classifications to the extent permitted by the Civil Service System. Subordinates who are not within the Civil Service System shall be appointed, suspended, or removed by the Mayor.

SECTION 4.03. DIVISION OF ADMINISTRATION AND FINANCE.

1. The Chief Administrative Officer shall have charge and general supervision of the Division of Administration and Finance.
2. The Division of Administration and Finance includes, but is not limited to, the function of the Buildings Manager, Centrex System, Director of the Division of Administration and Finance, County Printing, Credit Union, Data Processing, Intergovernmental Coordination, Employment Opportunity, Finance Administration, Information Services, Insurance, Mail Service, Microfilm and Public Records, Personnel, Management Programs, Purchasing, Retirement, Safety, Security, Voting Machines, Election Commission, Jury Commission, Agricultural Extension, Divorce Referee, Public Defender, those functions funded jointly with but administered by other governmental agencies, except as hereinafter set forth, liaison with other departments and other branches of the Shelby County Government; and the County Mayor shall be responsible for the co-relation and coordination of all governmental activities.
3. The County Mayor shall provide for and maintain all accounting systems necessary for the Shelby County Government and for each department, office and agency thereof. He shall maintain such systems in accordance with generally accepted accounting principles applicable to governmental entities, keeping accounting records for and exercising financial and budgeting control over such department, office or agency. All warrants in payment of obligations of the County Government shall be signed by the Director of the Division of Administration and Finance and countersigned by the County Mayor, either in person or by facsimile.
4. In exercising his executive functions, the County Mayor may employ subject to budgetary limitations, special counsel, assistants and other employees.
5. There is established a County Department of Finance with a Director of the Division of Administration and Finance appointed by the County Mayor. The Director of the Division of Administration and Finance's appointment shall not take effect until concurred in by a majority vote of the Board of County Commissioners. He shall serve at the pleasure of the County Mayor. The Director of the Division of Administration and Finance shall be in charge of fiscal management, including accounting, budgeting, internal auditing, pensions, debt administration and treasury management. The Director of the Division of Administration and Finance shall:
 - (1) Assist the County Mayor in the preparation and execution of the county budget and capital program.

- (2) Assist the County Mayor in the negotiation of loans, the issuance and sale of bonds and notes, and the investment of funds.
- (3) Maintain the records of county indebtedness and have charge of the payment of principal and interest thereon.
- (4) Examine all contracts, orders and other documents by which financial obligations are incurred by the county or any of its officials or offices, indicate the availability of funds to meet these obligations, and certify thereto.
- (5) Sign all warrants drawn upon the county, either in person or by facsimile. No warrants shall be drawn unless the Director of the Division of Administration and Finance first (a) verifies the appropriation, allotment and availability of funds to cover the claim or expense involved and certifies thereto and (b) determines that the claim or expense is regular in form, is correctly computed and constitutes a legal obligation of the county.
- (6) Maintain a general accounting system for the county and each of its offices, exercise financial budgetary control over each county office.
- (7) Submit each month to the County Mayor a statement of revenues and expenditures for the preceding month and for the fiscal year through the preceding month.
- (8) Submit to the County Mayor, at the end of each fiscal year, a report of the financial transactions of that year, and a statement of the financial condition of the county at the end of the year, together with supporting schedules and exhibits.
- (9) Perform such other duties as the County Mayor prescribes.
- (10) The Director of the Division of Administration and Finance shall pay money from County funds by checks or warrants only which have been approved by the County Mayor and the Director of the Division of Administration and Finance and signed by both either in person or by facsimile. The Director of the Division of Administration and Finance shall establish one or more bank accounts as depositories for the treasury into which each county official, whether elected or appointed, and each county office shall pay within three days after receipt thereof all fees and other moneys collected, intact, including state and federal moneys, and shall render such daily or as often as the Director of the Division of Administration and Finance requires. The Director of the Division of Administration and Finance shall transmit to the state all moneys collected for the state in accordance with applicable state laws.
- (11) When the funds in the county treasury exceed the amount reasonably required to meet the obligations of the county during any period within a fiscal year, the Director of the Division of Administration and Finance, when so directed by the County Mayor, shall deposit or invest the excess funds as authorized by law or shall make both such deposits and investments. The deposits and investments made under this paragraph shall be made in such manner that the funds shall be available as receipts to be included in budget calculations for the ensuing fiscal year.

- (12) No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made. No payment shall be made against any appropriation unless the Director of the Division of Administration and Finance first certifies that there is a sufficient unencumbered balance in the appropriation and that sufficient funds therefrom are available to cover the payment. No obligation shall be incurred against any appropriation unless the Director of the Division of Administration and Finance first certifies that there is sufficient funds therefrom will be available to meet the obligation when it becomes due and payable. Every obligation incurred and every authorization of payment in violation of the provisions of this Act are void. Every payment made in violation of the provisions of this Act is illegal, and all county officials who authorize or make such payment or any part thereof are jointly and severally liable to the county for the full amount so paid or received. If any county official makes any payment or incurs any obligation or takes part therein in violation of the provisions of this Act, that action shall be cause for his discharge from employment.

Nothing contained in this Act is intended to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partially by the issuance of bonds, nor shall it prevent the making when permitted by law of a contract or lease providing for payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made.

But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made or approved by resolution.

6. The County Court shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the county and of every county office. This audit shall be made by a certified public accountant or by a firm of certified public accountants designated by the County Court, and no individual auditor or member of an auditing firm so designated shall have any personal interest, direct or indirect, in the fiscal affairs of the county or of any of its offices. The designated certified public accountant or firm of certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audit. No individual certified public accountant or firm of certified public accountants may be employed to perform the audit for more than four successive fiscal years.
7. Either the County Court or the County Mayor may at any time order a special financial examination of the accounts of any county official of office.
8. Except as otherwise expressly provided in this Act, the Director of the Division of Administration and Finance and such other county officers or employees as the County Court may designate shall give bond in the amount and with the surety prescribed by the County Court. The premiums on these bonds shall be paid by the county.
9. There is established a County Department of Purchasing with an Administrator of Purchasing appointed by the County Mayor. The Administrator of Purchasing, hereinafter referred to as County Purchasing Agent, shall be qualified by training and experience to perform his

duties in a proficient manner and in accordance with the generally recognized principles of governmental purchasing. He shall serve at the pleasure of the County Mayor.

The Administrator of Purchasing shall:

- (1) Contract for and purchase all supplies, material, equipment, buildings and contractual services required by any official or office of the county government, or which is supported by, or under control of, the county government and which expends or encumbers any of the county funds. No other official or office of the county may make such purchases or contracts, except as the County Purchasing Agent, with the approval of the Director of the Division of Administration and Finance, delegates this authority after appropriate bond maintained.
- (2) Arrange for the rental of machinery, buildings and equipment when the rents are to be paid out of funds belonging to the county or any of its offices. No other official or office of the county may arrange for such rentals, except as the County Purchasing Agent, with the approval of the Director of the Division of Administration and Finance, and the County Mayor, delegates this authority after appropriate bond maintained.
- (3) Transfer materials, supplies and equipment to or among county officials and offices as needed for the proper and efficient administration of the county government.
- (4) Have charge of any central storeroom or similar service which may be established for the handling of the county's business.

The County Purchasing Agent, together with the Director of the Division of Administration and Finance, and with the approval of the County Mayor, shall adopt and promulgate, and may from time to time amend, rules and regulations not inconsistent with the provisions of this Act, governing the purchase or rental of supplies, material, equipment, buildings and contractual services as follows:

- (1) Authorizing in writing any county official or office to make purchases in the open market for immediate delivery in emergencies, defining emergencies, and describing the manner in which emergency purchases shall be made and promptly reported to the County Purchasing Agent.
- (2) Prescribing the manner in which supplies, materials and equipment shall be requisitioned, purchased, delivered, stored and distributed.
- (3) Prescribing the dates for submitting requisitions and estimates, the future period they are to cover, the form in which they are to be submitted, the manner of their authentication, and their revision by the County Purchasing Agent.
- (4) Prescribing the manner of inspecting all deliveries of supplies, materials and equipment, and of making or procuring chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications.

- (5) Requiring periodic and special reports by county officials and offices of surplus, unusable and obsolete supplies and equipment on hand, and prescribing the form of such reports.
 - (6) Providing for the transfer to or among county officials and offices of supplies, material and equipment on hand, which are surplus to one office or official but are needed by another; and providing for the disposal or sale, after receipt of competitive bids, or supplies, materials and equipment which are obsolete or unusable.
 - (7) Determining whether or not a deposit or bond is to be submitted with a bid on a purchase contract or sale, and if required, prescribing the amount and form thereof, and providing that the surety shall be forfeited if the successful bidder refuses to enter into a contract within ten (10) days after the award.
 - (8) Prescribing the manner in which invoices for supplies, materials, equipment and contractual services delivered to any county official or office shall be submitted, examined and approved.
 - (9) Providing for all other matters as may be necessary to give effect to the foregoing rules and to the provisions to this Section.
10. The following applies to purchases, sales, contracts for services and competitive bids:
- (1) All purchases of and contracts for purchases of supplies, materials, equipment, buildings and contractual services, and all sales of surplus, obsolete or unusable county property shall be based whenever possible on competitive bids; but contracts for legal services and similar services by professional persons shall not be based upon competitive bids; but shall be awarded on the basis of recognized competence and integrity at customary rates of compensation; and bids need not be required for services for which the rate or price is fixed by a public authority authorized by law to fix such rates or prices. The Board of County Commissioners may establish by resolution special purchasing procedures for not less than ten percent (10%) of the annual purchases of the Shelby County government to be supplied by small businesses. For purposes of this sub-part "small business" means
 - (a) A wholesale business if its total sales for the preceding three (3) fiscal years were less than \$3,000,000 a year.
 - (b) A manufacturing business if it employs less than 50 persons and the preceding three (3) fiscal years' sales were less than \$3,000,000 annually.
 - (c) A construction business if its total receipts within its past three (3) fiscal years within Shelby County, Tennessee were less than \$3,000,000, annually.
 - (d) A janitorial or custodial service if in the preceding three (3) fiscal years its annual sales that did not exceed \$3,000,000.

(e) No other non-manufacturing concern if in the preceding three (3) fiscal years its annual sales exceeded \$3,000,000.

The provisions of this sub-part shall be applied without regard to race, creed, color or national origin.

- (2) The County may purchase, sell or exchange materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local government or office without conforming with the competitive bidding requirements of this section, provided the sale, purchase or exchange is based upon the fair market value of such sales to, purchases from or exchanges with other such governmental entities.

The Shelby County Purchasing Department may, at the discretion of the Administrator of Purchasing, have the authority to contract for piggy-back or cooperative purchasing with any other federal, state or local government agency. The County may also, at the discretion of the Administrator of Purchasing, purchase from the present contracts of any other federal, state or local government agency, upon approval of the Director of Finance and /or Chief Administrative Officer.

- (3) If the amount of the expenditure or sale is estimated to exceed \$5,000.00, sealed bids shall be solicited. The County Purchasing Agent shall solicit sealed bids by public notice inserted at least two times in a newspaper of general circulation, the last insertion to be at least ten (10) days prior to the final date for submitting bids. In addition, he may also, when he deems it necessary or desirable, solicit sealed bids by sending requests for bids by mail to prospective bidders. All notices for bids shall include a general description of the materials or contractual services to be purchased or property to be sold and shall state where bid forms and specifications may be obtained and the time and place of opening of bids.
- (4) All purchases or sales of less than \$5,000.00 in amount may be made in the open market without newspaper notice, but shall, when practicable in the judgment of the County Purchasing Agent, be based upon at least three competitive bids. Requisitions for items estimated to cost more than \$5,000.00 shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for. All sales shall be made for cash to the highest bidder.
- (5) Bids on purchases shall in all cases be based on the standards adopted and promulgated by the County Purchasing Agent and approved by the Director of the Division of Administration and Finance and the County Mayor.
- (6) All open market purchase orders or contracts shall be awarded to the lowest and best bidder who is financially responsible, taking into consideration the qualities of the articles to be supplied, their conformity to specifications, their suitability to the requirements of the county government, and the delivery terms. Any or all bids may be rejected for good cause.
- (7) All bids taken under the requirements of this Section and all other documents, including purchase orders pertaining to the award of contracts on the bids, shall be preserved by the County Purchasing Agent for a period of five years.

- (8) If two or more bids received on a pending contract are the same unit price or total amount, the County Purchasing Agent may reject all bids and may purchase the required supplies, materials, equipment or contractual services from any of the lowest and best bidders, provided the price paid does not exceed the original bid price.
 - (9) All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record and the name of the successful bidder indicated thereon; and this record shall, after the award of the contract or order, be open to public inspection.
 - (10) All contracts shall be approved as to form by the county attorney, and for each contract which runs for more than twelve (12) months, the original copy shall be filed with the County Purchasing Department and a fully executed copy shall be filed with the Board of County Commissioners' Minute Clerk.
 - (11) Purchases shall be made and purchase orders and contracts of purchase shall be issued only in consequence of a written requisition for the supplies, materials, equipment or contractual services required, which requisitions shall be signed by the head of the County office requiring the articles or services, or in the case of elected officials, a name other than a department head, may be submitted to the Purchasing Department if requested in writing by said elected official. Original copies of all requisitions shall be kept on file in the office of the County Purchasing Agent.
 - (12) The County Purchasing Agent may purchase and contract to purchase materials, supplies, equipment and contractual services on a fiscal year basis, but no commitment shall be made which extends beyond the end of the current fiscal year for which appropriations have been made by the County Court except such commitments as have been approved by resolution of the County Court. In the determination of the County's annual needs of certain articles and services, the County Purchasing Agent may request the county officials and offices to estimate their needs for the remainder of the current fiscal year and to issue requisitions based upon these estimates.
11. Except in emergencies, no order for delivery on a contract or open market order for supplies, materials, equipment or contractual services for any county official or office shall be made unless the availability of funds for the payment therefor has been first certified by the Director of the Division of Administration and Finance.
12. The County Purchasing Agent, with the approval of the County Mayor, may authorize any county official or office to purchase in the open market, without filing requisition or estimate, any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including, but not limited to, delays by contractors, delays in transportation and unanticipated volume of work; but emergency, as used in this Section, does not include conditions arising from neglect or indifference in anticipating normal needs. Emergency purchases may be made by other county officials or offices only when the office of the County Purchasing Agent is closed. At all other times, only the County Purchasing Agent, with the approval of the County Mayor, may make emergency purchases. A report of all emergency

purchases, together with a full and complete account of the circumstances of the emergency, made by other county officials or offices, shall be made in writing by the official or office making the purchase to the County Purchasing Agent before the close of the next working day following the date of the purchase. This report shall be kept on file in the office of the County Purchasing Agent and shall be open to public inspection.

13. Each purchase order issued or executed pursuant to the provisions of this Act shall be evidenced by a written order to the vender, signed by the county Purchasing Agent, setting forth all significant details respecting the purchase. Copies of the purchase order shall be made available to other county departments and offices and shall be kept on file in the office of the County Purchasing Agent in numerical order by requisition or purchase order number and alphabetically by vendor.
14. The County Purchasing Agent shall classify the requirements of the county government for supplies, materials and equipment; shall adopt as standards the smallest number of quantities, sizes and varieties of such supplies, materials and equipment consistent with the successful operation of the county government, and shall prepare, adopt and promulgate written specifications describing these standards. In the preparation and revision of these standards, the County Purchasing Agent shall seek the advice, assistance and cooperation of the County officials and offices concerned to ascertain their precise requirements. Each specification adopted for any article shall, insofar as possible, satisfy the requirements of the county officials and offices which use that article.
15. The County is liable for the payment of all purchases of supplies, materials, equipment and contractual services made in accordance with the provisions of this Act, but is not liable for the payment of such purchases made contrary to the provisions of this Act.
- 16.(a) Neither the County Purchasing Agent nor any other county officials, nor any member of the County Court shall be financially interested or have any personal beneficial interest, directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services used by or furnished to any county official or office, or in any lease, construction contract or other contract entered into by the county, its officials or officers, or in any property used by or furnished to the county, its officials or officers; nor shall any of such persons accept or receive, by rebate, gifts or otherwise from any person, firm or corporation to which any contract or purchase order may be awarded, any money or things of value whatsoever, or any promise, obligation or contract for future reward or compensation.
- 16.(b) Any individual or company that has plead nolo contendere, or has plead or been found guilty of a criminal violation, whether state or federal, involving governmental sales or purchases, including, but not limited to rigging of bids, price fixing, or any other collusive and illegal activity pertaining to bidding and contracting, shall not be considered a qualified bidder, nor shall enter into a bid, contract, or purchase order with Shelby County for a period of thirty-six (36) months from the date of conviction thereof.

17. Other provision of this Act notwithstanding, any other elected county official may avail himself of the services of the county purchasing agent for his purchasing or may perform his own purchasing in the manner herein provided.
18. Except as otherwise provided in this Act the County Mayor shall have the sole power and authority to enter into contracts on behalf of Shelby County, subject to budgetary limitations, except for contracts that are in the nature of franchises. Contracts and purchases on behalf of the Shelby County Government shall be entered into as follows:

(1) Up to \$50,000.00 by the County Purchasing Agent as approved by the County Mayor.

(2) Over \$50,000.00 by the County Purchasing Agent as approved by the County Mayor and the County Court.

The County Court shall have the sole power to grant franchises by resolution, provided no such franchise shall be granted for a period to exceed thirty (30) years.

No sale of real property or any interests therein shall be valid unless approved by the County Court.

19. The provisions of this Act do not apply to county school funds for any purpose, or to the County Board of Education or to the County Superintendent of Education. The provisions of this Act do not apply to the Memphis and Shelby County Hospital Authority or to the Board of Trustees of the Memphis and Shelby County Hospital Authority.
20. There is established a Department of Personnel with the Administrator of Personnel appointed by the County Mayor. He shall serve at the pleasure of the County Mayor. The Administrator of Personnel shall have staff responsibility to the County Mayor for administering the Civil Service Merit System for employees of Shelby County as set forth in Chapter 110 of the Private Acts of 1971 of the State of Tennessee. He shall keep and maintain an accurate and up-to-date record of all employees of all departments and offices of the county government. It shall be his duty to seek out, interview and recommend to the several departments and offices persons to fill the personnel requirements of said departments and offices. The Administrator of Personnel shall perform such other duties as may be assigned to him by the County Mayor.

As amended by:

- Private Acts of 1978, Chapter 298.
- Private Acts of 1978, Chapter 299.
- Private Acts of 1978, Chapter 300.
- Private Acts of 1978, Chapter 306.
- Private Acts of 1979, Chapter 37.
- Private Acts of 1980, Chapter 243.
- Private Acts of 1981, Chapter 103.
- Private Acts of 1982, Chapter 225.
- Private Acts of 1983, Chapter 70.
- Private Acts of 1983, Chapter 73.
- Private Acts of 1983, Chapter 125.

Private Acts of 1984, Chapter 191.
Private Acts of 1985, Chapter 16.

SECTION 4.04. DIVISION OF COMMUNITY SERVICES.

1. The Director of Community Services shall have charge and general supervision of the Division of Community Services.
2. The Division of Community Services shall be responsible for all community services activities of Shelby County Government, which includes, but is not limited to, the functions of Civil Defense, General Assistance, Historian, Legal Aid, Legal Services, Library, Sealer, Veterans' Services, Weights and Measures, Public Defender, Pretrial Services, Divorce Referee, Community Services Agency and Housing Authority. The Director shall be responsible for the general supervision, operation and management, directly and through Boards and Commissions of such community service institutions as shall be assigned to this division, together with the management and maintenance of all parks and recreational and cultural facilities, including, but not limited to, the Museums, Art Institutions and Fairgrounds, except those facilities operated by the Board of Education. All institutions operated by the Government of the County of Shelby immediately prior to the effective date of this chapter, and which are not herein abolished or otherwise provided for, are assigned to the Division of Community Services.

As amended by: Private Acts of 1978, Chapter 306.
Private Acts of 1982, Chapter 277.

SECTION 4.05. DIVISION OF PUBLIC WORKS.

1. The Director of Public Works shall have charge and general supervision of the Division of Public Works and Utilities.
2. The Division of Public Works includes, but is not limited to, the functions of the Board of Adjustment, Bridges, Building Inspection, County Engineer, Electrical Inspection, Environmental Improvement, Housing Authority, Housing Inspection, Planning, Planning Commission, Plumbing Inspection, Port and Harbor, Public Utilities, Public Works, Real Estate, Right-of-Way, Roads and Sanitary Landfill.

As amended by: Private Acts of 1977, Chapter 96.
Private Acts of 1979, Chapter 112.

SECTION 4.06. DIVISION OF FIRE AND CORRECTIONS.

1. The Director of Fire and Corrections shall have charge and general supervision of the Division of Fire and Corrections which includes, but is not limited to, the functions of the Shelby County Fire Department and the Shelby County Penal Farm.

As amended by: Private Acts of 1979, Chapter 112.

SECTION 4.07. DIVISION OF HEALTH SERVICES.

1. The Director of Health Services shall have charge and general supervision of the Division of Health Services which includes, but is not limited to, the functions of the Memphis and Shelby County Health Department, and all health related activities of the County of Shelby.

As amended by: Private Acts of 1982, Chapter 277.

SECTION 4.08. SPECIAL OFFICES OF SHELBY COUNTY GOVERNMENT.

1. LEGAL DEPARTMENT - County Attorney, Selection, Qualifications, Authority, Duties and Powers.
 - a. There is hereby created the Legal Department of the Shelby County Government. The County Attorney shall be appointed by the County Mayor with the concurrence of a majority of the County Court. The County Attorney shall, at the time of his appointment, be a citizen of the United States, have had not less than five (5) years experience in the practice of law, and shall be licensed and qualified to practice law in all courts of Shelby County. His compensation shall be not less than that in effect on the effective date of this Chapter. He shall serve at the pleasure of the County Mayor. He shall devote full time to the performance of his duties.
 - b. The County Attorney shall act as Chief Counsel to the Shelby County Government. He shall act as legal advisor to the County Mayor, the County Court, and to all departments, officers and officials of the Shelby County Government and shall perform such other duties as may be required.
2. PUBLIC DEFENDER. The Public Defender shall be appointed by the County Mayor with a concurrence of a majority of the County Court. He shall serve for a period of one year from the date of his appointment or until his successor is appointed. The Public Defender shall, at the time of his appointment, be a citizen of the United States, have had not less than five (5) years experience in the practice of law, and shall be licensed and qualified to practice law in all courts of Shelby County.
3. DIVORCE REFEREE. The Divorce Referee shall be appointed by the County Mayor with a concurrence of a majority of the County Court. He shall serve for a period of one year from the date of his appointment or until his successor is appointed. The Divorce Referee shall, at the time of his appointment, be a citizen of the United States, have had not less than five (5) years experience in the practice of law and shall be licensed and qualified to practice law in all courts of Shelby County.

SECTION 2. Section 1 of this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. At the August general election, 1974, the County Election Commission shall place on the ballot for such general election the question as to whether or not the provisions of Section 1 of this Act shall be accepted or rejected by the voters of Shelby County. The ballots used in such election shall have printed thereon the following question:

Shall Shelby County Government be restructured to be Government consisting of an Executive Branch headed by a County Mayor and a Legislative Branch consisting of the eleven (11) members of the Board of County Commissioners of Shelby County (Justices of the Peace)?

Yes

No

Voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Election Commissioners on the first Monday occurring five (5) days or more, next after the date of such election, and the results shall be proclaimed by such Board and certified to the Secretary of State. The qualifications of voters shall be those provided by law for participation in general elections, and all laws applicable to general elections shall apply to the election held hereunder. The costs of said election shall be paid by the County in which this Act applies. In the event this Act is approved by the voters, as set forth herein, then the election of the first County Mayor provided for in this Act shall be held October 9, 1975, and he shall take office on January 1, 1976.

As amended by: Private Acts of 1979, Chapter 165.

SECTION 3. Chapter 237 of the Private Acts of the General Assembly of 1911, as amended by Chapter 215 of the Private Acts of 1957 and Chapter 279 of the Private Acts of 1957, and all acts amendatory thereof be and the same are hereby further amended by deleting therefrom the provisions calling for the election of a Board of Commissioners in the August 1, 1974, general election. There is hereby created a new administrative branch of Shelby County Government to administer the Shelby County Government from September 1, 1974 through December 31, 1975, awaiting the outcome of a referendum to be held August 1, 1974, to determine whether the voters of Shelby County, Tennessee desire to adopt a County Mayor-County Court form of government as provided in Section 1 of this Act.

The Administrative functions of County Government heretofore executed by the Board of Commissioners shall on September 1, 1974, be vested in a committee of three persons to be known as the County Executive Committee, who are as follows:

Jack W. Ramsay

James W. Moore

Lee Hyden

For the transitional period from September 1, 1974 through December 31, 1975, the County Executive Committee shall possess all the powers and duties and shall perform all the functions heretofore performed by the Shelby County Board of Commissioners pursuant to Chapter 237 of the Private Acts of 1911, as amended.

SECTION 4. In the event the referendum provided for in Section 2 of this Act receives a majority vote in favor of restructuring county government, then in that event, effective July 1, 1975,

and continuing until January 1, 1976, Chapter 237 of the Private Acts of the General Assembly of 1911, as amended by Chapter 215 of the Private Acts of 1957 and Chapter 279 of the Private Acts of 1957, and all Acts amendatory thereof be and the same are hereby further amended by

(1) Deleting the first paragraph of Section 4 and inserting the following:

" The said Board is vested solely with the executive and administrative power of the County and as such charged with the administration of its several institutions and of the County's business. Whenever any Public or Private Act of the State purports to authorize the County Court of its Chairman to perform any administrative or executive act or function, then such act or function shall be performed by the Board of Commissioners or its Chairman. All legislative powers of the County shall be vested in the Board of County Commissioners of Shelby County and it shall be deemed the sole legislative body of the County; provided, however, that a veto power is hereby granted the Chairman of the Board of Commissioners which may be exercised within seven (7) days of passage; said veto may be overridden by a simple majority vote of the County Court within fourteen (14) days of the veto message. Whenever any Public or Private Act of the State purports to authorize the Board of Commissioners or its Chairman to perform any legislative Act or function, then such Act or function shall be performed by the County Court or its Chairman."

(2) Striking Section 23 and inserting the following:

"Section 23. The Board of Commissioners shall on or before April 1 in each year present a budget showing the sums necessary to be expended in order to carry on the business and affairs of the County for the coming fiscal year and shall present the same to the County Court either to approve said budget as presented or to modify and amend the same as may be deemed requisite by the County Court in order to determine the amount of taxes necessary to be assessed."

The provisions of this Section with regard to budgetary procedures set out in Section 23 shall take effect April 1, 1975; for all other purposes the provisions of this Section shall take effect July 1, 1975.

As amended by: Private Acts of 1979, Chapter 165.

SECTION 5. Should the provisions of Section 3 of this Act naming the persons to serve on the committee to function as the administrative branch of Shelby County Government for the period September 1, 1974 through December 31, 1975, be held to be invalid for any reason, or should a vacancy occur during that period of time, the Shelby County Quarterly Court is hereby empowered to name the three members of the committee to function as the Administrative Branch during the period.

SECTION 6. In the event the referendum provided for in this Act should fail to receive a majority vote then the provisions of Section 1 of this Act shall be void and of no further effect, and the provisions of Chapter 237 of the Private Acts of 1911 and all amendatory Acts thereof, shall continue in full force and effect and there shall be elected in a special county election to be held October 9, 1975, three members of the Board of Commissioners, to have all the duties and powers and functions as set out in Chapter 237 of the Private Acts of 1911 and all amendatory Acts thereof, and to take office on January 1, 1976 and to serve until August 31, 1978.

SECTION 7. There is created and established, as a part of Shelby County government, a Department of Equal Opportunity Compliance, whose Administrator shall be responsible for overseeing the implementation of all rules, regulations and guidelines promulgated by the Equal Employment Opportunity Commission, the Department of Labor, or other such competent authority that are applicable to insuring fair employment practices. The Administrator of Equal Opportunity Compliance shall be appointed by the County Commission or if the county should adopt a form of government including a County Mayor, then by the County Mayor in either case subject to concurrence by a majority of the Board of County Commissioners of Shelby County. The duties of the Administrator of Equal Opportunity Compliance shall be to:

(a) Review and implementation of fair employment practices, as specified by Equal Employment Opportunity Commission guidelines, in all departments of county government under the jurisdiction of the County Commission or County Mayor, if there be one;

(b) Update and monitor an effective affirmative action program;

(c) Review all proposed contracts in which county funds are expended to insure that non-discriminatory employment practices are being executed on all levels of employment as specified by Equal Employment Opportunity Commission and Labor Department regulations;

(d) Investigate claims and complaints of discriminatory practices arising in county government departments under the jurisdiction of the County Commission, or County Mayor, if there be one;

(e) Design, implement and monitor programs to increase minority business participation in the letting of county contracts;

(f) Such other duties as may be required by the County Commission, or County Mayor, if there be one;

(g) The Administrator shall have the power to require each firm or business contracting with the county to submit with their proposals and/or bids statistics revealing the percentage and number of minorities at all levels of said firm or business.

The Administrator shall serve at the pleasure of the County Commission, or County Mayor, if there be one.

As amended by: Private Acts of 1977, Chapter 92.
Private Acts of 1979, Chapter 165.

SECTION 8. This Act shall not affect rights, duties and obligations incurred prior to its effective date.

SECTION 9. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are deemed to be severable.

SECTION 11. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Board of County Commissioners of Shelby County within forty-five (45) days after approval of the Chief Executive of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of County Commissioners of Shelby County and certified by him to the Secretary of State.

As amended by: Private Acts of 1979, Chapter 165.

Passed: March 20, 1974.

COMPILER'S NOTE: Several sections of this act were found constitutional in County of Shelby v. Blanton, 595 S.W. 2d 72 (Tenn. App, 1978).

ADMINISTRATION
RETIREMENT AND PENSION SYSTEM

PRIVATE ACTS OF 1945

CHAPTER 72

SECTION 1. That the purpose of this Act is to confer authority upon the Quarterly County Courts of all counties having a population of 300,000 or more by the Federal Census of 1940, or any subsequent Federal Census, if they elect and deem it expedient so to do, to provide a means whereby public employees who become superannuated or incapacitated as the result of age or disability, may be replaced by more capable employees, thus effecting economy and efficiency in public service without prejudice and without inflicting a hardship upon the employees removed, and at the same time to compensate such superannuated employees, or those who become incapacitated, by making provision for their retirement, and for those who may die, by providing for payment of death benefits.

SECTION 2. That the Quarterly County Courts in counties of a population as above set out, are hereby authorized in their discretion and by proper resolution to establish a retirement or pension system or systems for the officials and employees of the counties and may likewise so provide for the disability and retirement or pension system or systems to cover permanent, partial or temporary disabilities incurred by employees of such counties. If and when this retirement or pension system or systems shall be established, all public employees of such counties, who may be designated by the said Quarterly County Courts, shall be eligible to its benefits, including those employees who are partially imburshed by one of the counties coming within the provisions of this Act and partially imburshed by one of the municipalities of one of such counties, and such employees may be entitled to the benefits of such retirement or pension system or systems in accordance with the pro-rate part of their compensation which is paid by such counties. The benefits of such retirement or pension system or systems shall not, however, be extended to include any officials or employees of the Shelby County Board of Education, a previous insurance system now being in effect as to such Shelby County Board of Education employees.

SECTION 3. That if and when the Quarterly County Courts shall determine to establish by appropriate action a retirement or pension system or systems, said Quarterly County Courts shall determine who may be included as members of said retirement or pension system or systems, and whether membership therein shall be compulsory upon officials and employees of said counties or optional. Said Quarterly County Courts shall provide the method of making contributions to said pension fund and establish whether the same shall be supported and maintained wholly through contributions of the members thereof, or by contributions of the members and the counties jointly. The Quarterly County Courts may determine how the said contributions will be calculated and accumulated, the method of payment and who shall be the beneficiaries of said retirement or pension system or systems. The said Quarterly County Courts are authorized to make all administrative provisions necessary for the operation of said retirement or pension system or systems and determine how the administrative cost thereof shall be borne. Prior to the establishment of such a system or systems, the Quarterly County Courts may secure from competent actuary a report of the costs of

establishing same and the method to be followed in the administration of same, if and when established.

The officials referred to in this Section with reference to being eligible to membership in said retirement or pension system or systems, shall include appointed or elected officials. Elected officials shall include those elected by the popular vote of the people or by the County Court. Provided that the provisions of the Retirement and Pension System shall constitute vested interests between the members including retired beneficiaries and the County of Shelby.

As amended by: Private Acts of 1951, Chapter 489.
Private Acts of 1955, Chapter 197.

SECTION 4. In addition to employees of the counties referred to in Section 1, 2 and 3 of the Act, employees of Shelby County Health Care Corporation who were participating on June 30, 1981 in the retirement or pension system established and maintained by the government of Shelby County, Tennessee (plus any persons who, while employed by Shelby County Health Care Corporation, were enrolled in said system at any time between June 30, 1981, and January 4, 1982) shall, under such criteria as may be approved by the Board of County Commissioners of Shelby County, Tennessee, be eligible to participate from and after June 30, 1981 in said retirement or pension system as is now in existence or as may be amended, and to receive service credit for time worked for Shelby County Health Care Corporation for purposes of said retirement or pension system; and the Board of County Commissioners of Shelby County, Tennessee may provide such funding as is necessary to provide benefits accrued or accruing to those employees under said retirement or pension system since June 30, 1981 or their date of enrollment.

As amended by: Private Acts of 1983, Chapter 82.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 25, 1945.

ADMINISTRATION

STATE ASSISTANCE

IDENTIFICATION CARDS

PUBLIC ACTS OF 1972

CHAPTER 730

COMPILER'S NOTE: This act, although a public rather than private act is included in this volume because its provisions have special application, only to Shelby County.

SECTION 1. State assistance, as used in this Act, shall be defined as any form of monetary benefit, other than salaries, wages, bonuses, pensions, retirement payments, insurance benefits, or death benefits received by an individual from the state of Tennessee for the individual's personal, financial, medical, or social needs.

SECTION 2. Any individual who resides in the county designated by a committee appointed by the Governor and composed of the commissioners, or their representatives, of state departments providing state assistance, as defined in this Act, and who is receiving state assistance shall be required to hold in his or her possession an identification card bearing a reasonable likeness of said individual and said individual's federal social security number. Said number must be printed on all state assistance payments to which an individual is entitled and must correspond with the individual's identification card, as herein required.

SECTION 3. All state departments providing state assistance shall be responsible for providing its recipients to whom the provisions of Section 2 of this Act apply with the identification card described in Section 2 of this Act, free of charge to said individual.

SECTION 4. The provisions of this Act shall only apply to those counties of the state having a population of not less than 700,000 according to the federal census of 1970, or any subsequent federal census.

SECTION 5. The committee described in Section 2 is authorized by this Act. The committee shall designate the county in which the requirement of Section 2 shall apply and the duration of the requirement. The committee shall make a recommendation, at a time which the committee shall determine, on the feasibility of this requirement for all individuals in the state who receive state assistance.

SECTION 6. This Act shall take effect on July 1, 1972, the public welfare requiring it.

Passed: April 4, 1972.

ADMINISTRATION

GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the Tennessee County Government Handbook, a CTAS publication.

The following private or local acts constitute part of the administrative and political history of Shelby County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1829-30, Chapter 92, appointed Nathaniel Anderson and Abram Bayless as notaries public for Shelby County.
2. Acts of 1845-46, Chapter 181, authorized the treasurer of the state to pay Lemuel P. Hardaway, former sheriff of Shelby County, the sum of \$442 for his services, and for monies paid out by him in pursuing, arresting felons who had fled from Tennessee.
3. Acts of 1853-54, Chapter 180, gave Shelby County the same authority and power to take stock in railroads and issue their bonds as had other counties in the state.
4. Private Acts of 1859-60, Chapter 9, established the Nonconnah Board of Levee Commissioners, for the purpose of establishing a levee to reclaim from overflow the lands lying between Nonconnah Creek and the Tennessee-Mississippi state line.
5. Private Acts of 1859-60, Chapter 39, authorized the county court of Shelby County to appoint three additional notaries public.
6. Public Acts of 1867-68, Chapter 87, Section 5, provided for the election of the Shelby County Recorder by the qualified voters of said county; his duties and term of office.
7. Private Acts of 1868-69, Chapter 42, incorporated the Shelby County Agricultural, Mechanical and Horticultural Society.
8. Public Acts of 1869-70, Chapter 6, Section 12, abolished the board of county commissioners and the office of county judge, re-establishing the quarterly and quorum courts.
9. Public Acts of 1870-71, Chapter 81, amended The Code of Tennessee to allow the Shelby County Court to elect as many notaries public as it deems necessary.

10. Public Acts of 1875, Chapter 15, provided for one additional notary public for Shelby County.
11. Public Acts of 1889, Chapter 163, empowered the municipalities in Shelby County to require that all owners of improved property construct water closets, slop sinks and other necessary sanitary facilities.
12. Acts of 1905, Chapter 456, required every company compressing cotton in Shelby County to provide ample facilities and labor for handling all cotton sent to them for processing.
13. Acts of 1907, Chapter 311, authorized the City of Memphis to convey to Shelby County, the alleys in the square bounded by Adams, Second, Washington and Third Streets for the purpose of erecting a courthouse thereon.
14. Acts of 1907, Chapter 335, was an act to protect the owners of milk cans and bottles by providing that such containers be stamped with a recorded marketing mark, and anyone using such a mark without the written permission of its owner was guilty of a misdemeanor.
15. Acts of 1909, Chapter 109, regulated the business of lending money on personal property, wages or salaries, and the buying of salaries or wages; and prescribed the penalties for its violation in counties having a population of not less than 50,000, according to the Federal Census of 1900.
16. Acts of 1909, Chapter 176, authorized payment of as much as \$100 per annum for the services of an auditing committee, composed of two justices of the peace.
17. Acts of 1909, Chapter 185, created Levee and Drainage Districts for Shelby County. This act was amended by Private Acts of 1923, Chapter 385, which allowed a majority of the landowners in the bottom lands of the Wolf River to petition for inclusion of their area in the drainage district.
18. Private Acts of 1911, Chapter 255, validated a lease of the old courthouse to W.A. Bickford by Shelby County. This lease was for a period of twenty years, with an option to renew for ten more years, to begin on January 1, 1911.
19. Private Acts of 1911, Chapter 256, authorized Shelby County to close Midland Avenue in exchange for certain property from the Memphis Country Club, validating a contract already entered into by those two entities
20. Private Acts of 1913, Chapter 61, empowered the boards of commissioners of Shelby County to disburse the fund in the hands of the county trustee to the credit of the bridge department.
21. Private Acts of 1913 (Ex. Sess.), Chapter 51, was another act creating levee and drainage districts for Shelby County, for the purpose of draining and reclaiming wet, overflowed or swamp lands in the county.
22. Private Acts of 1915, Chapter 154, authorized the county court of Shelby County to establish a county demonstration farm and to provide for the control and conduct of same.

23. Public Acts of 1915, Chapter 121, created the office of divorce proctor in counties having a population of 100,000 or over by the Federal Census of 1910. This act defined the qualifications and duties of the proctor; provided the manner for the appointment of a deputy divorce proctor and defined his duties and provided for his compensation. This act was amended by Private Acts of 1925, Chapter 430, which redefined the duties and compensation of the proctor and by Public Acts of 1959, Chapter 191, which raised the compensation fee to \$10 for every divorce suit filed in his county. This act was repealed by Public Acts of 1972, Chapter 796.
24. Private Acts of 1917, Chapter 77, removed clerks of courts, the county trustee, register and sheriff from the fee system and placed them on a salary which was to be complete compensation for their services in office.
25. Private Acts of 1917, Chapter 101, gave the Shelby County Quarterly Court the authority to lease the old courthouse site at the corner of Main and Poplar Streets for the City of Memphis.
26. Private Acts of 1917, Chapter 282, amended the board of county commissioners act by changing the methods of filling vacancies, but its provisions were repealed by Private Acts of 1919, Chapters 351 and 464.
27. Private Acts of 1921, Chapter 523, amended Private Acts of 1917, Chapter 420, by authorizing Shelby County to issue and sell its negotiable coupon bonds in any sum not exceeding \$375,000. In addition, the act exempted the bonds from taxation.
28. Private Acts of 1923, Chapter 385, amended Acts of 1909, Chapter 185, Section 40, by eliminating Reelfoot Lake and Wolf River in Fayette and Shelby counties from draining and reclamation.
29. Private Acts of 1923, Chapter 425, empowered the governing body of Shelby County to contribute not more than \$25,000 per year toward the cost of an annual agricultural fair.
30. Private Acts of 1923, Chapter 704, fixed the compensation of the election officers, judges, clerks, registers and markers of Shelby County.
31. Private Acts of 1925, Chapter 158, amended Private Acts of 1917, Chapter 420, by authorizing Shelby County to issue and sell its negotiable bonds in any sum not exceeding \$75,000. In addition, the act exempted the bonds from taxation.
32. Private Acts of 1925, Chapter 389, established a Real Estate Commission for Shelby County.
33. Private Acts of 1925, Chapter 424, was another private act establishing levee and drainage districts for Shelby County.
34. Private Acts of 1925, Chapter 596, gave all incorporated athletic associations in Shelby County the power of condemnation.

35. Private Acts of 1925, Chapter 729, was a financial responsibility law applying to firms and people operating motor vehicles for hire in Shelby County. This act also provided for the licensing of such vehicles.
36. Private Acts of 1929, Chapter 875, created a county athletic commission for Shelby County, to have control and to regulate professional athletics in that county.
37. Private Acts of 1933, Chapter 413, provided for the joint operation of governmental and corporate activities in Shelby County, and to provide for contracts to effect such joint operations. This act was amended by Private Acts of 1935, Chapter 18, to provide that the operation of public slaughterhouses and abattoirs could be considered one of these joint governmental activities.
38. Private Acts of 1941, Chapter 47, authorized the Shelby County Court to appropriate not more than \$10,000 per year for county advertising purposes. This act was repealed by Private Acts of 1943, Chapter 6.
39. Private Acts of 1945, Chapter 23, made it unlawful to operate vending machines or fruit stands in the Shelby County Courthouse. It provided that the quarterly county court could grant one year commissions for selling cigarettes, candy, fruit, drinks, etc., from office to office in that building. This was repealed by Private Acts of 1961, Chapter 402.
40. Private Acts of 1955, Chapter 91, amended Private Acts of 1911, Chapter 237 by fixing the salaries of the board of county commissioners. This act, however, was found unconstitutional in Shelby County v. Hale, 200 Tenn. 505, 292 S.W. 2d 745 (1955).
41. Private Acts of 1959, Chapter 121, attempted to authorize Shelby County to cooperate with the City of Memphis in plans for the construction of a railroad terminal and relocation of certain railroad tracks. The Shelby County Quarterly Court did not approve the provisions of this act, so it never became effective.
42. Private Acts of 1959, Chapter 212, attempted to regulate and provide for the licensing of wrecking and towing services in Shelby County, but its provisions were not approved by the quarterly county court and never became effective.
43. Private Acts of 1967-68, Chapter 372, authorized the quarterly county court to participate in the celebration of the sesquicentennial year of the founding of the county seat and to appropriate funds not otherwise committed for that celebration.
44. Public Acts of 1968, Chapter 564, amended Public Acts of 1915, Chapter 121, by fixing the compensation of the divorce proctor and amending the process in which the county court would elect the proctor.
45. Private Acts of 1969, Chapter 91, created a county governmental library commission for Shelby County, but this act was superseded by the current library commission law, Private Acts of 1970, Chapter 275, found in this volume.

46. Private Acts of 1974, Chapter 377, attempted to give Shelby County regulatory authority over cotton gin operations for the purpose of controlling air contaminant emissions from those gins. This act was returned from the governor without his signature, and later was disapproved by the Shelby County Quarterly Court, never becoming operative.
47. Private Acts of 1978, Chapter 251, would have amended Private Acts of 1974, Chapter 260, relative to the county court resolution regarding the setting of the county mayor's salary, but this act was not acted upon by county officials and therefore never became law.
48. Private Acts of 1980, Chapter 274, would have amended Private Acts of 1974, Chapter 260, in order to qualify purchases of insurance under professional exemptions under certain state circumstances, but this act failed to become ratified and therefore never became law.
49. Private Acts of 1981, Chapter 61, pertained to the location of residences in Shelby County by saying that no person would be kept from erecting a permanent residence, or placing a mobile home, on any lot provided the lot was at least one acre in size and met code requirements in T.C.A. 53-2044, that such structure met all the building code standards and that such lot and residence were not part of an existing subdivision. This act was disapproved by Shelby County officials and never became law.
50. Private Acts of 1983, Chapter 126, would have provided for the rebuilding, repair and maintenance of sidewalks in unincorporated areas of Shelby County; however, this act was not ratified and never took effect.
51. Private Acts of 1986, Chapter 159, would have amended Private Acts of 1971, Chapter 110, by providing for the eligibility and appointment of members to the civil service merit board; however, the Shelby County Attorney's office has no information as to whether the act was passed or not by county officials.
52. Public Acts of 2001, Chapter 350, established a study committee to examine issues pertaining to development of alternative statewide child protective services systems and pertaining to whether a pilot mental health court should be established in Shelby County. Upon the conclusion of its study and assessment, the committee was to report its findings to the governor; general welfare, health and human services committee of the senate; the children and family affairs committee of the house of representatives; and the select committee on children and youth no later than February 15, 2002. The act would take effect upon becoming a law, and would be repealed 12 months following such effective date.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

ABANDONED ANIMALS

PUBLIC ACTS OF 1974

CHAPTER 683

SECTION 1. An “abandoned animal”, for the purposes of this act, is one that has been forsaken entirely by the owner thereof or his agent, or with respect to which the owner thereof or his agent has neglected or refused to provide for, or to perform the legal or contractual obligation for care and support of an animal by its owner or his agent, and such abandonment shall constitute a relinquishment of all rights and claims of the owner to such animal after notice is given as hereinafter provided.

Any animal placed in the custody of a stable or pasture keeper for treatment, boarding or other care, shall be considered to be abandoned by its owner or his agent following thirty (30) days written notice by registered mail being given by the stable or pasture keeper to the owner or his agent at the last known address of such owner or agent, and the failure of the owner or the agent to fulfill his contractual obligation within thirty (30) days after receipt of such notice with the stable or pasture keeper, and after such abandonment, may be turned over by the stable or pasture keeper to the custody of the nearest humane society or dog pound in the area for disposal as the custodian of such humane society or dog pound may consider proper. Nothing contained herein shall be construed as relieving the owner of such animal or his agent from any liability which the owner or his agent may have incurred as a result of the furnishing of such treatment, boarding, or other care by the stable or pasture keeper for the entire period the animal has been in the custody of said stable or pasture keeper.

The giving of notice as provided herein to the owner, or the agent of the owner, of such animal by the stable or pasture keeper shall relieve the stable or pasture keeper and any custodian, to whom such animal may be given, of any further liability for the care or treatment of said animal. The stable or pasture keeper or custodian of a humane society or dog pound shall not be liable for disposal of any such animal.

SECTION 2. This Act shall apply to counties having a population of more than 600,000 according to the 1970 federal census or any subsequent federal census.

SECTION 3. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 20, 1974.

ANIMALS - FISH

DOG LAW

PRIVATE ACTS OF 1951

CHAPTER 384

SECTION 1. That in all counties of this State having a population of 350,000 or over, by the Federal Census of 1940, or any subsequent Federal Census, it shall be unlawful for any person to own, keep or harbor any dog over six (6) months of age which shall not have been duly vaccinated against rabies. Every dog owner shall have his dog or dogs vaccinated against rabies when the dog or dogs reaches six (6) months of age, and annually thereafter if killed virus tissue type vaccine has been used, or each third year thereafter if live virus, chicken embryo adapted type vaccine has been used. A certificate of vaccination shall be issued by a veterinarian upon a form to be furnished by the County Trustee, the County Health Department, or Collector of Licenses of any municipality as defined herein, and such certificate shall be kept by the person who owns, keeps or harbors the said dog or dogs at all times, subject to the inspection of the proper law enforcement officers.

As amended by: Private Acts of 1959, Chapter 120.

SECTION 2. That it shall be the duty of the veterinarian to perform such vaccination in such manner as meets the standards of the United States Department of Agriculture, and to make such certificate of vaccination in triplicate, giving one to the person who owns, keeps or harbors the said dog, one to the County Health Department, and one shall be kept in the files of the person administering the vaccination.

SECTION 3. That all persons owning, keeping or harboring any dog over six months of age shall pay on or before March 1st of each and every year to the County Trustee a fee of Two (\$2.00) Dollars for each and every dog so owned, kept or harbored; provided, that if the said fee is not paid by May 1st of the year in which due the fee shall be Three (\$3.00) Dollars. In all cases where any dog shall become six months old between March 1st and January 1st of any year said license fee shall forthwith be due and payable to the County Trustee in the amount of Two (\$2.00) Dollars, and if not paid at the expiration of ninety (90) days the fee shall become Three (\$3.00) Dollars. The Quarterly County Court shall have full power and authority to set and change the dates and the amount of the fees referred to in this section.

As amended by: Private Acts of 1972, Chapter 283.

SECTION 4. That wherever, in any county or counties covered by this Act there exists a city or more than 275,000 population as provided by the Federal Census of 1940, or any subsequent Federal Census, and such city maintains a system of regulation and licensing of dogs substantially as provided for in this Act and charges a fee to persons owning, keeping or harboring dogs, compliance with such municipal regulations and payment of fees exacted for such compliance shall exempt such persons from the fee required by this Act to be paid to the County Trustee, but not from the requirement pertaining to vaccination of dogs.

SECTION 5. That persons operating kennels where dogs are kept shall not be required to pay the above license fees, but in lieu thereof shall pay a license as kennel keepers as follows:

For each kennel of less than ten dogs, \$5.00 per year.

For each kennel of from ten to twenty dogs, \$10.00 per year.

For each kennel of over twenty dogs, \$15.00 per year.

At the time such license fee is paid there shall be presented to the County Trustee or to the collector of licenses of a municipality as herein described a certificate of vaccination upon a form to be provided by the County Trustee or said collector of licenses showing that the dogs kept in the kennels for which license is applied have been vaccinated as herein provided.

Applicants for license as kennel keeper hereunder shall furnish to the County Trustee or collector of municipal licenses at the time of making his application, an affidavit showing under oath the maximum number of dogs to be kept at the kennel for which application is made. Any kennel keeper found in possession of more dogs than authorized by his license shall be guilty of a misdemeanor punishable by a fine of not more than Fifty (\$50.00) Dollars.

The County Trustee or collector of licenses shall collect the license fees from kennel keepers annually on or before March 1st of each year or for such quarterly periods as the kennel shall be in operation; provided, however, when such kennel is located within a municipality as herein defined, payment of the kennel fee prescribed by said city shall exempt such kennel keepers from the kennel fees required herein.

SECTION 6. That it shall be the duty of the County Trustee or the collector of licenses of cities as prescribed herein to collect the license fees under this Act. He shall record substantially the following information: The name of each person paying a license fee on any dog or dogs, the date and amount of such payment, the description and sex of each dog on which a license fee is paid, the license tag number issued by him for such dog and the date when said dog was vaccinated. No license shall be issued unless a valid certificate of vaccination is exhibited at the time the request for license is made. Upon presentation of the certificate of vaccination and upon receipt of the payment of the license fee the County Trustee or his duly authorized agent or the said collector of licenses or his duly authorized agent, shall cause to be issued to the person paying the same, a receipt showing substantially the following information: Name of the owner of the dog, the date and amount of such payment, the license tag number issued for each dog, and the date of vaccination of such dog; and in addition shall deliver with the receipt a metal license tag bearing a serial number and the year for which the license fee is paid. Such tag shall be supplied by the County Chairman or by said municipality out of the revenue of the County or City. It shall be the duty of the owner to attach such license tag to a collar which shall be worn by each dog licensed. In the event of the loss of such license tag it shall be the duty of the person owning, keeping or harboring the dog to apply to the County Trustee or City License collector who shall issue a duplicate tag for which he shall be paid the sum of Twenty-five (25¢) Cents and said duplicate tag shall be forthwith attached to the dog's collar and at all times worn thereon; provided, that in any case the collar may be removed from hunting dogs while in chase or returning therefrom. But nothing contained herein shall authorize the use of an unlicensed and unvaccinated dog either in the hunt or chase.

SECTION 7. That it is hereby declared a misdemeanor for any person to own, keep or harbor any dog or dogs for which a license fee has not been paid as required by this Act, or who shall own, keep or harbor any dog which has not been vaccinated against rabies as provided herein; every person found guilty of either offense shall upon conviction be fined not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars. The municipal court of any municipality, as provided herein, shall have jurisdiction to enforce violations of this Act occurring within the boundaries of any such municipality by the imposition of a fine not to exceed Fifty (\$50.00) Dollars.

SECTION 8. That any dog found running at large, in violation of the provisions of this Statute, may be seized by the proper County or Municipal authorities or by any Peace Officer and imprisoned in the County or Municipal Pound. When said dog is so found running at large, the owner, if the dog bears a tag, shall be notified by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog or the same will be destroyed or otherwise disposed of. If the owner appears to redeem his dog, he shall pay a penalty of One and 50/100 (\$1.50) Dollars for each dog so seized and impounded, and thereupon the dog shall be delivered to him. If the dog so seized is unvaccinated, the owner, before he is permitted to regain possession of the said dog, shall have the said animal vaccinated and present the certificate of vaccination to the Pound authority. The payment of this Pound fee, however, and the delivery of the dog to the owner shall not relieve the owner from the other penalties provided for the violation of this Act. If the owner does not appear after the notice has been mailed to him, or if after appearing declines to pay the Pound fee prescribed herein and redeem his or her dog or dogs, then the County or Municipality may destroy the said dog or dogs or dispose of same in the sole discretion of the Pound authority.

SECTION 9. That any person who does not desire to pay the tax herein shall bring said animal to the Municipal or County Pound to be destroyed or otherwise disposed of in the discretion of the Pound keeper.

SECTION 10. That if any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, any representative of the Health Department or County or City Officer charged with the enforcement of this Act may cause such dog to be confined or isolated for such time as the County Health Department deems it necessary to protect the safety of the people or property.

SECTION 11. That this Act shall not be held to prohibit transportation of dogs through any County in which the Act is applicable, provided said dogs are securely confined or kept upon a leash during their transportation through the County.

SECTION 12. That any person who knowingly shall hide, conceal or aid or assist in hiding or concealing any dog owned, kept or harbored in violation of any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction fined not less than Five (\$5.00) Dollars nor more than Fifty (\$50.00) Dollars.

SECTION 13. That the County Court or the Municipality in the Counties or Municipalities to which Act is applicable, shall have full power and authority either jointly or separately to use any portion of the funds derived from the administration of this Act or such additional funds as may be authorized therefor; to appoint an inspector or inspectors, and to provide a suitable Pound or Pounds or places of enclosure for such dogs, together with proper lethal chambers, and shall also be authorized to provide facilities for the vaccination of said dogs and to administer said vaccinations.

SECTION 14. That Chapter 823 of the Private Acts of 1935 and all Acts amendatory thereof be and the same are hereby repealed.

SECTION 15. That if any part or parts of this Act shall be declared unconstitutional it shall not affect the validity of any other part of this Act.

SECTION 16. That all laws and parts of laws in conflict with provisions of this Act, be, and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1951.

ANIMALS - FISH

TRAPPING DEVICES

PRIVATE ACTS OF 1915

CHAPTER 347

SECTION 1. That it shall be unlawful for any person to set, more than two hundred yards from his residence, in counties of 191,430 to 191,450 and in counties of 149,470 to 149,490, in population in Tennessee according to the Federal Census of 1910 and all subsequent censuses, a steel trap, a dead fall, or any other device that is liable to cause or capable of causing lingering pain or suffering to any animal, beast or person caught therein, thereby or thereunder; *provided* that nothing in this Act shall be construed as prohibiting any person from setting, anywhere upon his own lands, a steel trap on top of a post or pole and more than four feet above the ground or on the ground above a dead fowl killed by a hawk--the purpose in setting such steel trap in such place to be the catching of the hawk--and *provided further*, that said trap set under said conditions shall be closed or taken up before six o'clock P.M., each and every day.

As amended by: Private Acts of 1917, Chapter 124.

SECTION 2. That a violation of this Act shall constitute a misdemeanor, and any person convicted of such misdemeanor shall be fined not less than twenty-five dollars nor more than fifty dollars for each steel trap, dead fall, or other device which he sets or which he causes to be set in violation of this Act.

SECTION 3. That all grand juries in the county or counties aforesaid shall have inquisitorial powers concerning violation of this Act and shall make due presentment of all persons violating any of its provisions; and Circuit and Criminal Court Judges shall give this act in charge to said grand juries.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 7, 1915.

ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Shelby County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1870, Chapter 99, protected deer and squirrel from February 1st to September 1st of each year, and protected most birds, along with their eggs and nests, from hunting and destruction.
2. Public Acts of 1871, Chapter 1, amended Public Acts of 1870, Chapter 108, by adding Shelby County to the provisions of the act which provided for the protection and preservation of game.
3. Public Acts of 1879, Chapter 198, made it unlawful to take fish from the waters of Shelby County except by means of a baited hook and line or a trot line.
4. Public Acts of 1899, Chapter 23, prevented stock from running at large in counties of the state having a population of 59,000 or more, according to the Federal Census of 1890. This act was amended by Public Acts of 1901, Chapter 114, which increased the population size to 72,000 and Private Acts of 1921, Chapter 961, which provided that any person owning land upon which any animal had ran in large, in violation of the provisions of Public Acts of 1899, Chapter 23, had the right to take up and confine such animal and to have a lien upon the animal taken up as compensation for the cost and value of the food and care of the animal so taken up. Furthermore, Private Acts of 1921, Chapter 926, placed the duty of enforcing the fence law in the office of the assessor and collector of dog license taxes.
5. Public Acts of 1899, Chapter 255, was an act to protect quail and partridge in Shelby County. It made trapping or netting them illegal at anytime and forbade killing, capturing, selling or having in possession for sale quail and partridges between November 1st to February 1st of each year.
6. Public Acts of 1899, Chapter 331, made it a misdemeanor for any person to kill or trap quails in Shelby County, after November 15, 1900.

7. Private Acts of 1911, Chapter 369, specified the penalties for shooting or trapping quails in Shelby County - a fine of \$25 for first offenders; thirty days in the county workhouse for the second offense; and a six month term for the third offense.
8. Private Acts of 1915, Chapter 691, made it unlawful from February 1st to September 1st of each year for any person to kill in any manner beaver, muskrat, fox, mink, raccoon, skunk, opossum, or weasel, or to molest their nests or transport them out of the county.
9. Private Acts of 1935, Chapter 823, was the first dog law for Shelby County, containing provisions for their registration, licensing and vaccination. It was amended by Private Acts of 1941, Chapter 424, Private Acts of 1935, Chapter 103 and repealed by Private Acts of 1951, Chapter 384, the current dog law found in this chapter.
10. Private Acts of 1937, Chapter 495, made it a misdemeanor for any person to allow stock to run at large in Shelby County.
11. Private Acts of 1969, Chapter 97, attempted to amend the dog law for Shelby County, Private Acts of 1951, Chapter 384, to require a license fee for all dogs over the age of six months, due on March 1st and delinquent after May 1st. This was not approved by the quarterly county court and never became operative.
12. Public Acts of 1974, Chapter 681, provided for the forfeiture to humane societies of mistreated and neglected animals in all counties of the state with a population of 600,000 or more, according to the Federal Census of 1970. This act was amended by Public Acts of 1978, Chapter 760, which allowed any humane society the right to bring a civil action in any court of law, rather than just in the circuit court.
13. Public Acts of 1974, Chapter 682, provided for the disposition of abandoned animals in all counties with a population of 600,000 or more, according to the Federal Census of 1970.

CHAPTER III - BOND ISSUES

BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes, contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 et seq. However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Shelby County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

DEBTS

1. Private Acts of 1867-68, Chapter 102, authorized the commissioners of Shelby County to issue bonds in the amount of \$300,000, bearing an interest rate of 8%, to be used exclusively for the purpose of retiring the indebtedness of Shelby County. This act was amended by Public Acts of 1868-69, Chapter 35, which increased the amount of the bond to \$400,000. Private Acts of 1867-68, Chapter 102, was further amended by Public Acts of 1868-69, Chapter 40, Section 29, which authorized the bonds issued by Shelby County to be of the denomination of \$1,000 and to be sealed with the seal of Shelby County and to be made payable in the City of New York at such place as the board of county commissioners may designate.
2. Public Acts of 1885, Chapter 154, was a bond issue of \$60,000, with an interest rate of 6% per annum, to pay outstanding indebtedness for the courthouse, poorhouse and other county purposes.
3. Public Acts of 1893, Chapter 79, authorized coupon bonds of \$150,000 to retire indebtedness for the insane asylum, workhouse addition and other internal county improvements. These bonds were to earn interest at a rate of 6% per annum and their maturity date was to be determined by the quarterly county court.
4. Private Acts of 1901, Chapter 301, authorized a bond issue of \$60,000 to recur a loan from Bolton College. These bonds, payable within five years at an annual interest rate of 5%, were to be used for turnpike purposes.
5. Private Acts of 1901, Chapter 487, provided for a bond issue of \$60,000, with an interest rate of 4½% per year, to mature three years after issuance, for the purpose of paying off bonded indebtedness.

6. Acts of 1909, Chapter 411, authorized a bond issue of \$100,000 to pay off indebtedness of Shelby County for the construction and repair of bridges. These bonds were to have an annual interest rate of 5%, to mature within thirty years.
7. Private Acts of 1913, Chapter 203, was a bond issue of \$600,000 for the purpose of paying bonded indebtedness for the construction of bridges and roads. These bonds were to mature twelve years from their date of issuance and were to earn interest at an annual rate of 5%.
8. Private Acts of 1915, Chapter 68, authorized a bond issue of \$60,000 for the purpose of refunding the outstanding bonds known as the "Bolton College Bonds." The new bond issue had a maximum interest rate of 5% and were to mature within fifteen years.
9. Private Acts of 1921, Chapter 593, refunded the "Bolton College Bonds" with a bond issue of \$60,000 payable in fifteen years at 5%.
10. Private Acts of 1921, Chapter 667, gave the county court power to borrow money, issue revenue notes at 6% per annum for not more than one year, for the purpose of providing funds for the use of the board of commissioners or other governing bodies in the county. This was amended by Private Acts of 1925, Chapter 294, to provide that such revenue notes could not be issued in any year prior to the fixing of the tax rate for that year.
11. Private Acts of 1931, Chapter 218, was another bond issue for the purpose of paying off the bonded indebtedness of the "Bolton College Bond." The amount of this bond issue was \$60,000.
12. Private Acts of 1943, Chapter 211, authorized the board of trustees of the tuberculosis hospital to use any proceeds remaining from the sale of improvement bonds or any surplus in the payment of outstanding bonds for the benefit of the hospital.

BRIDGES - ROADS - HARBOR

1. Public Acts of 1857-58, Chapter 96, Section 2, authorized the county court of Shelby County to purchase and pay off the time bonds issued by the county, to aid in the construction of the *Memphis & Ohio Railroad*. The bonds were purchased through a property tax which did not exceed the sum of .30¢ on \$100 of taxable property.
2. Acts of 1905, Chapter 70, authorized a \$100,000 bond issue to be known as the "Emergency Levee Bonds." These bonds, which were to mature within twenty years with an annual interest rate of 4%, were to be used for the purpose of raising the level of Shelby County roads to protect them from overflow. Acts of 1907, Chapter 22, amended the original act to provide that the bridge commissioners be paid \$25 per month until they complete their work. Acts of 1907, Chapter 262, abolished the turnpike and bridge commission established by Acts of 1905, Chapter 70, and placed its duties in the county court.
3. Private Acts of 1937, Chapter 897, was a \$2,500,000 bond issue, to mature in not more than fifty years at an annual interest rate of 6%. These bonds, to be known as the Shelby County Sea-Wall Bonds, were used to build pumping stations, reservoirs, levees and sea walls.

4. Private Acts of 1943, Chapter 260, was a bond issue of \$375,000 to be known as the "Shelby County Mississippi River Bridge Bonds." These bonds, subject to ratification by Shelby County voters, were to bear interest at the rate of 6% per annum and to mature in not more than fifty years.
5. Private Acts of 1947, Chapter 505, authorized an additional \$500,000 issue of "Shelby County Mississippi River Bridge Bonds" to finance Shelby County's part of the cost of construction of a bridge across the Mississippi. These bonds were to mature within thirty years, with a maximum interest rate of 6% per year, but their issuance was subject to voter approval.
6. Private Acts of 1947, Chapter 514, authorized a bond issue of \$535,000 for the purpose of financing Shelby County's part of the cost of developing a harbor and port in cooperation with the City of Memphis. These bonds were to earn interest at a rate to be determined by the quarterly county court, with a maturity date within twenty-five years after the date of issuance; they were tax-exempt and subject to voters approval.
7. Private Acts of 1951, Chapter 389, was a bond issue of \$1,000,000 for the purpose of establishing a port and harbor in cooperation with the City of Memphis. The quarterly county court was to set the rate of interest and maturity date, which was to be within twenty-five years from date of issuance. This act was subject to voter approval.

BUILDINGS - MEMORIALS - INSTITUTIONS

1. Public Acts of 1881, Chapter 117, authorized the county court to issue bonds of \$30,000, with an annual interest rate of 6%, to mature in five equal installments for the purpose of erecting a poor house and lunatic asylum.
2. Acts of 1905, Chapter 16, was a \$1,000,000 bond issue, due and payable in fifty years with an annual interest rate of 4%, for the purpose of building the Shelby County Courthouse. This act also created a courthouse commission to oversee its construction. Acts of 1905, Chapter 124, amended this to provide that the chairman and secretary of the courthouse commission each receive an annual salary of \$2,000; and this amendatory act also gave the commission the power of condemnation. Both of these acts were repealed by Acts of 1905, Chapter 377.
3. Acts of 1905, Chapter 377, which repealed the acts listed above in (2), authorized a \$1,000,000 bond issue, 4% annual interest rate, to mature within fifty years, for the construction of a courthouse. It created a courthouse commission of five members, two of whom were to be residents of Memphis. The commission was given the power of condemnation and the chairman and secretary of the commission were given an annual salary of \$2,000.
4. Acts of 1907, Chapter 137, authorized two more bond issues for the courthouse, one not exceeding \$150,000 for completing the building and an issue of \$350,000 worth of bonds for furnishing and outfitting the courthouse. Both of these bond issues were to mature within fifty years at an annual interest rate of 4%.

5. Private Acts of 1913, Chapter 127, authorized a bond issue of \$325,000 with an interest rate of 4½%, payable semiannually, to mature within thirty-five years, for the purpose for constructing a jail. This act authorized the county court to appoint jail commissioners to oversee the sale of the bonds and to direct the use of the proceeds. This was repealed by Private Acts of 1921, Chapter 173.
6. Private Acts of 1913 (Ex. Sess.), Chapter 78, authorized a bond issue of \$100,000 for the construction of an auditorium. These bonds were to have an annual interest rate of 6% and were to mature within thirty years.
7. Private Acts of 1917, Chapter 420, authorized a bond issue of \$375,000, contingent upon approval by the voters, to enable Shelby County to carry out the purposes of this act, which were to erect, in cooperation with the City of Memphis, an auditorium and public market. These bonds were to mature within fifty years, at an interest rate of not more than 5% per annum. Private Acts of 1925, Chapter 158, amended this act, providing for an additional bond issue of \$75,000, interest rate of 6%, to mature within fifty years.
8. Private Acts of 1919, Chapter 292, authorized Shelby County in cooperation with the City of Memphis to construct hospitals for the treatment of tuberculosis and authorized a bond issue of \$150,000, annual interest rate of 5%, due and payable within forty years, for that purpose. This was amended by Private Acts of 1919, Chapter 595, which changed the caption of the original act to make it clear that Shelby County was authorized to issue bonds and to cooperate with Memphis in building such facilities.
9. Private Acts of 1921, Chapter 115, was a bond issue of \$500,000 for the construction of a jail or a penal farm. These bonds were exempt from all taxes and were to mature within fifty years at a rate of 6% per annum. Private Acts of 1921, Chapter 457, amended Chapter 115 to change the date of the referendum on the bond issue from April 21, 1921 to May 19, 1921. Private Acts of 1923, Chapter 420, authorized an additional bond issue of \$300,000 for the purposes of Private Acts of 1925, Chapters 115 and 159, allowing an additional issue of bonds in the amount of \$100,000.
10. Private Acts of 1921, Chapter 140, was a \$250,000 bond issue, to mature within thirty years at an annual rate of 6%, for constructing exhibit buildings and other permanent improvements at the Tri-State Fair Grounds. This act also created a commission to oversee the sale of these bonds and the erection of the buildings.
11. Private Acts of 1921, Chapter 937, amended Private Acts of 1925, Chapter 115, by providing that any surplus remaining after the completion of a jail or penal farm may be used for improving either the workhouse or Home for Aged and Infirm of Shelby County.
12. Private Acts of 1923, Chapter 358, authorized a bond issue of \$100,000 with an annual interest rate of 6%, to mature within forty years. The proceeds from these bonds were to be used to construct, in cooperation with the City of Memphis, new buildings and additions to the tuberculosis hospital.
13. Private Acts of 1925, Chapter 155, authorized a \$1,500,000 bond issue, to be known as the "Shelby County Institution Bonds," with an interest rate of 6%, maturity date within fifty

years and subject to the approval of Shelby County voters. This act also created the county institutions committee to oversee the sale of these bonds and the use of their proceeds to improve various county institutions. Private Acts of 1927, Chapter 488, was an amendatory act, naming members of the board of county commissioners as ex-officio members of the Shelby County Institutions Commission. Private Acts of 1935, Chapter 16 also amended the original act by adding public abattoirs and garbage disposals to the list of county institutions.

14. Private Acts of 1927, Chapter 467, was a \$100,000 bond issue to be used for the construction of new buildings at the Shelby County - City of Memphis tuberculosis hospital. These bonds were to mature within forty years at an annual interest rate not exceeding 6%. This was amended by Private Acts of 1945, Chapter 239, to provide that any excess from the proceeds of these bonds was to be used as a contribution toward the cost of a state tuberculosis hospital in Shelby County.
15. Private Acts of 1941, Chapter 83, provided for the issuance of Shelby County Institution Bonds in the amount of \$350,000, to be used especially for the improvement of the Penal Farm and the Fairgrounds Park. These bonds were tax exempt, with a 6% interest rate, to mature within fifty years, and were subject to approval by the Shelby County voters.
16. Private Acts of 1947, Chapter 504, was a bond issue of \$300,000 to be used in the construction of a tuberculosis hospital in cooperation with the City of Memphis. These bonds were tax exempt, to mature within twenty-five years at an interest rate to be determined by the quarterly county court, and were subject to voter approval.
17. Private Acts of 1947, Chapter 506, authorized a bond issue of \$75,000 to construct a Municipal Warehouse in cooperation with the City of Memphis. These bonds, subject to voter approval, were to mature within twenty-five years at an interest rate to be determined by the quarterly county court, and they were exempt from taxation.
18. Private Acts of 1947, Chapter 516, authorized Shelby County to issue \$175,000 worth of bonds for the purpose of constructing and equipping a market house in cooperation with the City of Memphis. These bonds were contingent upon voter ratification, tax exempt, and were to have a maturity date within twenty-five years from issuance at a interest rate set by the quarterly county court.
19. Private Acts of 1947, Chapter 528, was a bond issue of \$1,333,000 to construct, in cooperation with Memphis, the Mid South Fair Grounds, subject to voter approval, tax exempt, with maturity date and interest rate to be set by the quarterly county court.
20. Private Acts of 1947, Chapter 530, provided for a bond issue of \$200,000 to construct the Cossitt Library, in cooperation with the City of Memphis. These bonds were subject to voter approval, tax exempt and the quarterly county court was to set their interest rate and maturity date.
21. Private Acts of 1947, Chapter 531, authorized a bond issue of \$280,000 to construct a new park in Shelby County, maturity date within twenty-five years with interest to be set by the quarterly county court. These bonds were tax exempt and subject to approval by the voters.

22. Private Acts of 1947, Chapter 532, was a bond issue of \$3,000,000 to be used in the construction of a memorial to veterans. The interest rate and a maturity date within twenty-five years were to be set by the quarterly county court, and the bonds were exempt from taxation.
23. Private Acts of 1947, Chapter 533, authorized, subject to voter approval, the issuance of bonds in the amount of \$338,000 for the purpose of building and equipping a "hospital and nurse's home for colored persons." These bonds were tax exempt, to mature within twenty-five years at an interest rate set by the quarterly county court.

SCHOOLS

1. Private Acts of 1911, Chapter 64, was a bond issue of \$200,000 for school building purposes, with an interest rate of 4½%, to mature thirty years from the date of issuance. This act also provided for a three-member commission to sell the bonds, to select and purchase sites for school buildings and to oversee the construction and furnishing of the buildings. The chairman and secretary of the commission were to be paid \$1,500 per year.
2. Private Acts of 1911, Chapter 88, authorized an additional bond issue of \$100,000, annual interest rate of 5%, to mature within twenty-five years, for the purpose of purchasing sites and erecting and equipping buildings for the State Normal School in Shelby County.
3. Public Acts of 1911, Chapter 60, authorized counties in the state with a population under 190,000, according to the Federal Census 1910, to issue and sell coupon bonds to purchase school property, school sites; to erect, furnish, equip, and repair school buildings.
4. Private Acts of 1913, Chapter 154, authorized the boards of education in Shelby and Davidson counties to issue bonds of \$40,000, with an interest rate of 4½% and a maturity date which was set by the boards, for the purpose of constructing new school buildings.
5. Private Acts of 1917, Chapter 295, authorized a bond issue of \$150,000, maximum interest rate of 5%, maturing as the county court might determine. The proceeds of this bond sale were to go to the trustees of Bolton College to erect new buildings. Private Acts of 1917, Chapter 479, amended this to require that if Shelby County issued the bonds then it was the duty of the county to levy a sufficient tax each year to provide for the payment of interest on the bonds.
6. Private Acts of 1917, Chapter 362, was a bond issue of \$200,000 at 5½% interest, maturing within thirty years, for no other purpose than the purchasing, building, repairing or furnishing of school buildings in the county.
7. Private Acts of 1919, Chapter 429, authorized the Shelby County Board of Education to issue school bonds in the amount of \$500,000, to mature in not less than six nor more than thirty years, at an annual interest rate of 5½%.
8. Private Acts of 1919, Chapter 437, was a bond issue of \$150,000 for the purpose of aiding Bolton College Agricultural High School. These bonds were to bear interest at 5% per year, and the school was to execute a trust deed as security for such bonds.

9. Private Acts of 1919, Chapter 467, authorized the Shelby County Court to issue school bonds of \$300,000, maximum interest rate of 5% per annum, maturing in three equal groups in ten, twenty and thirty years.
10. Private Acts of 1921, Chapter 651, authorized the Shelby County Court to borrow money and issue revenue notes for county elementary and high school purposes, in an amount not exceeding \$300,000, with interest and maturity date of such revenue notes to be determined by the county court.
11. Private Acts of 1923, Chapter 277, was a bond issue of \$600,000, with a maximum interest rate of 6%, to mature in not more than fifty years. The proceeds from these bonds were to be used for the building of a practice school in Shelby County at the West Tennessee Normal School.
12. Private Acts of 1925, Chapter 156, provided for a \$375,000 bond issue, subject to voter approval, with a maximum interest rate of 6%, to mature within fifty years. The proceeds from the sale of these bonds was to be apportioned between the elementary and high schools of Shelby County, as the board of education might determine.
13. Private Acts of 1927, Chapter 510, authorized a bond issue of \$500,000, subject to voter approval, with a maximum interest rate of 6% and a maturity date within fifty years. The proceeds from the sale of these bonds was to be apportioned between the elementary and high schools of Shelby County.
14. Private Acts of 1947, Chapter 713, was a school bond issue in the amount of \$1,100,000, with a maximum interest rate of 6% and a maturity date within twenty-five years from the date of issuance. This bond issue was subject to voter approval, and the proceeds of their sale was to be apportioned among the Frayser, Levi, Oakville, Woodstock and White Station Schools.
15. Private Acts of 1949, Chapter 164, authorized, subject to voter approval, a bond issue of \$3,600 to be used for school buildings. These bonds had a maximum interest rate of 6% and were to mature within thirty years.
16. Private Acts of 1951, Chapter 390, was a \$3,500,000 bond issue, maximum interest rate of 6%, maturing within thirty years, to be used for school buildings. The issuance of these bonds was subject to voter approval.
17. Private Acts of 1953, Chapter 443, authorized Shelby County, through its quarterly county court, to issue \$3,500,000 for the purpose of purchasing school sites, building new school buildings, making additions to present school buildings, altering, furnishing and equipping school buildings for both elementary and high school purposes. These bonds were issued with a maximum interest rate of 6% and maturing within twenty-five years.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF COUNTY

PRIVATE ACTS OF 1819

CHAPTER 146

WHEREAS it is represented to this General Assembly, that there are many inhabitants, and much business at and about the Chickasaw Bluff, and that to those people the regular and convenient administration of the laws would be greatly beneficial- wherefore:

SECTION 1. That a new county be called and known by the name of Shelby, in honor and to perpetuate the name of Issac Shelby, late Governor of Kentucky, be, and is hereby established in the southwest corner of this state, and that the county so established, shall be bounded as follows, to wit: beginning in the middle of the main channel of the Mississippi river, where the southern boundary of this state, lately marked by General James Winchester, strikes the western boundary of the state, thence east thirty miles along said southern boundary line to the eighty mile tree, thence north to a point, from which a due west corner to the center of the main channel of the Mississippi, and thence down the main channel of the Mississippi to the beginning will include a constitutional county of six hundred and twenty five square miles.

SECTION 2. That for the due administration of Justice in the said county of Shelby, the courts hereinafter established shall be holden, commencing on the first Monday in May next, and quarterly thereafter, until the end of the next stated General Assembly, at the Chickasaw Bluff, at such house and place therein as a majority of the Justices of the said county shall appoint, and all courts shall be held by commission to the said Justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction as either the county courts, or quorum courts in the respective counties of this state, combining therein, their respective original jurisdictions, and said justices shall also have and hold jurisdiction of all causes out of court that ordinarily belong to justices of the peace.

SECTION 3. That in all cases, where appeals, writs of error, or other process are allowed, an appeal, writ of error, or other process may and shall be from said courts of Shelby county to the circuit court of Humphreys county, under the same rules and restrictions as are provided by law.

SECTION 4. That there shall be appointed by joint resolution of both houses of the General Assembly, five justices of said county to be commissioned as aforesaid, who shall have and possess the jurisdiction as specified in this act, of whom three at least shall be necessary to constitute a court, and said justices shall be allowed the usual fees out of court, and the pay for holding court, that is allowed in similar cases by law.

SECTION 5. That the sheriff of Stuart county, or collector of public taxes or monies due on executions within said county, shall have power to collect the same, in the same manner, as if this act had not passed.

SECTION 6. That the militia of said county shall be organized and the officers elected, as in other counties, according to the laws now in force and used in this state, and be attached to the fifth brigade.

SECTION 7. That the court herein before constituted and appointed, are authorized and required to appoint a solicitor to prosecute in behalf of the government, until an attorney general shall be appointed for the circuit, which shall include said county; and in the mean time they are authorized and empowered to make an allowance to said solicitor, out of any county monies for his ex-officio services of any sum not exceeding fifty dollars.

Nov. 24, 1819.

BOUNDARIES

ESTABLISH COUNTY SEAT

PUBLIC ACTS OF 1826

CHAPTER 196

SECTION 1. That the second term of the court of pleas and quarter sessions for the county of Shelby, to be held in 1827, shall adjourn their court, at the rise of the term, to the place laid off and designated by the commissioners of said county, to fix the seat of justice therein, and the said place so fixed on shall be called and known by the name of "Raleigh".

SECTION 2. That after the said court shall have adjourned, all writs, subpoenas and recognizances, shall be returnable to the said town of Raleigh as aptly as though the said court had never adjourned.

SECTION 3. That the first term of the circuit court of Shelby county, after the county court shall have adjourned, shall be held at the town of Raleigh, under the same rules as is prescribed for the county court.

December 11, 1826.

BOUNDARIES

CHANGE COUNTY SEAT

PUBLIC ACTS OF 1865-66

CHAPTER 39

SECTION 1. That the County-seat of Shelby county of this State, be, and is hereby removed to the fifth Civil District of said county, and within the corporate limits of the city of Memphis: *Provided*, That the Sheriff of said county of Shelby shall first after giving thirty days' public notice, open and hold an election at the usual places within said county, and a majority of the voters at said election shall indicate by their votes, a desire for said removal.

SECTION 2. That in the event of the said election resulting in favor of said removal, this act shall take effect immediately.

Passed: May 24, 1866.

BOUNDARIES

CHANGE COUNTY SEAT

PUBLIC ACTS OF 1866-67

CHAPTER 38

WHEREAS, By an Act of the General Assembly of the State of Tennessee, passed May 24, 1866, the removal of the County Seat of Shelby County from Raleigh to Memphis, was to be submitted to the voters of Shelby County, upon notice of the Sheriff; and *whereas*, the election was held on the 15th day of September, 1866, in pursuance of said Act of 24th May, 1866; and *whereas*, a majority of the votes polled in said election, was in favor of the removal of the County Seat of the County of Shelby from Raleigh to the 5th Civil District of Shelby County, and within the corporate limits of the City of Memphis: Therefore,

SECTION 1. That the removal of the County Seat of Shelby County, from Raleigh to the 5th Civil District of Shelby County, and within the corporate limits of the City of Memphis, is hereby ratified.

SECTION 2. That all Acts done, and Courts held, by the County Court of Shelby County, by virtue of the removal of the County Seat of Shelby County, from Raleigh to the 5th Civil District of said County, and within the corporate limits of the City of Memphis, are hereby ratified and confirmed.

SECTION 3. That said Act, above referred to, passed 24th of May, 1866, be so amended as to authorize said County Seat of Shelby County, to be removed to, and located in, any Civil District within the corporate limits of the city of Memphis.

SECTION 4. That all laws, and parts of laws, in conflict with this Act, are hereby repealed; and that this Act take effect from and after its passage.

Passed: March 8, 1867.

BOUNDARIES

PUBLIC ACTS OF 1821

CHAPTER 32

COMPILER'S NOTE: Section 7 of the Public Acts of 1821, Chapter 32, is the only section which dealt with Shelby County.

SECTION 7. Beginning on the south west corner of the last described bounds, running thence north to the 5th sectional line in the 10th district; thence west to a point one mile west of the 3d range line in the 11th district; thence south paralleled with said range line to the south boundary of the state; thence east on said boundary to the beginning. And that the following described lines shall be the bounds of one other county which may hereafter be laid off north of Shelby county: Beginning on the line separating the 11th and 13th districts, at a point two miles west of the first range line in the 11th district; running thence west on said dividing line to the middle of the Mississippi river; thence down the main channel of the same to the north west corner of Shelby county; thence east with the north boundary of Shelby county, and the last mentioned bounds, to a point three miles east of the 2d range line in the 11th district; thence north parallel with the said line to the beginning. Which two last described bounds shall be attached to, and be a part of Shelby county, until otherwise provided for by law, and shall enjoy all the privileges, and [be] subject to all the duties as citizens of Shelby county, with this exception, that no tax shall be laid or collected in the said bounds for the purpose of erecting public buildings in the county of Shelby.

November 7, 1821.

BOUNDARIES

PUBLIC ACTS OF 1823

CHAPTER 129

SECTION 1. That the following described bounds, to wit: beginning at the south-west corner of Hardeman county, running north with the west boundary line of said county, to the fifth sectional line in the tenth district; thence west, to a point one mile west of the third range line in the eleventh district; thence south parallel with said range line to the south boundary of the state; thence east with said boundary, to the beginning; which above-described bounds was heretofore attached to Shelby county, shall be hereafter attached to, and be a part of Hardeman county, until otherwise provided for by law.

SECTION 2. That the citizens of the above-described bounds shall be entitled to all the privileges, and subject to all the duties, as other citizens of Hardeman county, with this exception, that they shall not be liable to pay any taxes for the purpose of erecting public buildings in said county of Hardeman.

October 30, 1823.

BOUNDARIES

PUBLIC ACTS OF 1883

CHAPTER 81

SECTION 1. That the line between the county of Tipton and the counties of Fayette and Shelby, be and the same is hereby changed as follows:

Beginning at a point on the line between Tipton and Fayette counties where the Memphis and Louisville railroad crosses East Beaver Creek; thence down said creek with its meanders to the point where the same empties into Middle Beaver Creek, on the line between Fayette and Shelby counties; thence up said Beaver Creek with its meanders to the South line of Tipton county, so as to include all territory of Shelby and Fayette counties lying north and east of said creeks, in Tipton county, and that all property real and personal within said territory be assessed for taxes after the year 1883, in said Tipton county: *Provided, however*, no tax shall be assessed on said property for the payment of bonds issued by the county of Tipton, under the general improvement laws of the State, to the Memphis and Paducah railroad.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1883.

BOUNDARIES

PRIVATE ACTS OF 1925

CHAPTER 434

SECTION 1. That the line between Tipton County and Shelby County, Tennessee, is hereby changed as follows:

The new line between Shelby County and Tipton County hereby established shall begin at the intersection of the southwest corner of a one hundred and seventy-five (175) acre tract of land belonging to the J. C. Walker estate, where the west line of said tract intersects with the old north line of Shelby County, and run thence north from the said point of beginning seventy-five (75) chains along the west boundary line of said 175 acre tract of the J.C. Walker estate and the west line of the Aleck McQuiston one hundred and seventy-eight (178) acre tract of land to the south boundary line of the right of way of the Tipton Road at the northwest corner of said Alex McQuiston 178 acre tract; thence east along the south boundary line of the right of way of said Tipton road two hundred and nine (209) chains to the west line of the R. A. Hewett one hundred and one and one-half (101 ½) acre tract of land; thence northwest along the west boundary line of said R. A. Hewett 101 ½ acre tract of land 24 chains to the northwest corner of same at the intersection of a branch; thence northeastwardly along the meanders of said branch seventeen and fifty one-hundredths (17.50) chains to Beaver Creek; thence southeastwardly along the meanders of said Beaver Creek four chains to the northwest corner of the tract of land belonging to the C.E. Calhoun estate; thence east eighty-three (83) chains along the north boundary line of said land belonging to the C.E. Calhoun estate and the north boundary line of the land belonging to the J. B. Trobaugh estate to the northeast corner of said Trobaugh lands where the north boundary of same intersects with the west boundary of Mrs. Kate McQuiston's eighty-five and one-fourth (85 ¼) acre tract; thence north along the west boundary of said McQuiston tract twelve (12) chains to the northwest corner of said McQuiston eighty-five and one-fourth acre tract; thence east along the north boundary of said McQuiston land thirty-five chains to the northeast corner of said McQuiston land; thence south twenty six (26) chains along the east boundary line of said McQuiston land to the north boundary line of the W.J. and L. M. Shaw 50 acre tract at the southeast corner of said McQuiston lands; thence east along the north boundary line of said Shaw tract, three (3) chains to the northeast corner of said Shaw tract; thence south along the east boundary line of the said Shaw fifty acre tract of land and the lands belonging to R. T. Thomas estate and the Mary Pierce fifteen (15) acre tract 26.75 chains to a point where the east boundary line of said Mary Pierce fifteen acre tract intersects with the old north boundary line of Shelby county; and all of the land formerly in Tipton county contained within the area surrounded by the new line between Shelby and Tipton County as hereby established, and the old north line of Shelby County, are hereby taken from Tipton County and annexed to the First Civil District of Shelby county, Tennessee. The line between Shelby County and Tipton County, except as changed by this Act, shall remain as heretofore.

SECTION 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1925.

BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Shelby County.

1. Private Acts of 1822, Chapter 111, authorized Colonel Jacob Tipton or one of his deputy surveyors to survey and mark the eastern and northern boundaries of Shelby County and to make up and present a certified plot of the county's boundaries to the county court.
2. Private Acts of 1823, Chapter 206, authorized an election on the first Monday of February, 1824 to ascertain the wishes of the voters of Shelby County on the location of the county seat.
3. Private Acts of 1824, Chapter 167, directed the commissioners appointed by law to fix the permanent seats of justice in counties west of the Tennessee River to select a site and fix the seat of justice for Shelby County.
4. Public Acts of 1833, Chapter 46, Section 2, authorized the principle surveyors in Hardin, McNairy, Hardeman, Fayette and Shelby counties to extend the dividing line of said counties from the *Winchester's Line* to the line ran by John Thompson on the 35th degree of north latitude.
5. Acts of 1837-38, Chapter 7, Section 3, called the different surveyors in the counties of Shelby, McNairy, Hardin, Hardeman and Fayette to extend the dividing lines of said counties to the line marked by the commissioners in Public Acts of 1833, Chapter 46, Section 2.
6. Public Acts of 1867-68, Chapter 60, changed the boundary between Shelby and Tipton counties to place the land of C. Angle in Tipton County. This was repealed and the land returned to Shelby County by Acts of 1905, Chapter 53.
7. Private Acts of 1867-68, Chapter 105, required all landowners of lots in Shelby County to file plots with the register of deeds for that county.
8. Public Acts of 1921, Chapter 54, authorized the governor of the State of Tennessee to issue a tract of land, that once comprised the old third civil district of Shelby County, to E. L. Bateman.
9. Private Acts of 1937, Chapter 266, amended the general law provisions to provide that the county surveyor of Shelby County was to be paid a per diem salary of \$10.00.
10. Private Acts of 1974, Chapter 305, provided that if the boundaries of the corporate limits of municipalities of Shelby County were contiguous along a public roadway, and if such road were altered, the respective governing bodies were authorized to adjust such boundaries by contract between themselves.

CHAPTER V - COURT SYSTEM

COURT SYSTEM

BOARD OF JURY COMMISSIONERS

FOREMAN OF GRAND JURY

PRIVATE ACTS OF 1963

CHAPTER 152

SECTION 1. That the compensation of the Foreman of the Grand Jury for Shelby County, Tennessee, be and the same is hereby fixed at Forty Dollars (\$40.00) per day. No compensation shall be allowed except for those days which the Foreman actually service in the performance of his official duties when the Grand Jury is meeting in regular or special session.

As amended by: Private Acts of 1969, Chapter 87,
Private Acts of 1974, Chapter 303.

SECTION 2. That this Act shall have no effect unless the same shall have been approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1963.

COURT SYSTEM

BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-201 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

The following acts once affected jurors or boards of jury commissioners in Shelby County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1849-50, Chapter 172, provided that the Shelby County Court would pay all jury tickets issued by the clerk of county court and of the criminal court of Memphis.
2. Public Acts of 1901, Chapter 124, created a board of jury commissioners for Shelby County, with three "discreet" members,
3. Acts of 1905, Chapter 230, created a board of jury commissioners for Shelby County, prescribed their oath, compensation and method of jury selection for the circuit and criminal courts.
4. Acts of 1907, Chapter 226, amended Acts of 1905, Chapter 230, by providing that two of the three jury commissioners receive \$3.00 each per day, and that the secretary of said jury commissioners receive \$5.00 per day for each and every day's service.
5. Acts of 1907, Chapter 561, amended Acts of 1905, Chapter 230, by providing for juries for immediate use in special cases, their term of service, exemption, qualifications and punishment for violating Chapter 230.
6. Acts of 1909, Chapter 337, set the per diem salary of jurors at \$1.50 per day plus mileage for those who lived more than ten miles from the courthouse. Private Acts of 1915, Chapter 30, raised this salary to \$3.00 per day, and Private Acts of 1949, Chapter 357, set the salary at \$6.00 per day.
7. Private Acts of 1911, Chapter 65, amended the general law on compensation of jurors by providing that in Shelby County the compensation of jurors should be \$3.00 per day plus mileage as set by law. This was repealed by Private Acts of 1913, Chapter 207.
8. Private Acts of 1911, Chapter 640, amended Acts of 1905, Chapter 230, by providing that jurors serve fifteen days instead of twelve days within a year.
9. Private Acts of 1911, Chapter 640, amended Acts of 1905, Chapter 230, so as to provide for service of all jurors selected in any of the circuit or criminal courts and fixed the manner of selection so as to economize in the trial of all civil and criminal cases in Shelby County.

10. Private Acts of 1913 (Ex. Sess.), Chapter 1, provided that jurors who lived more than five miles from the courthouse in Shelby County would be allowed additional compensation of 10¢ per mile for each day's jury service, provided that the mileage did not exceed twenty miles per day. This was repealed by Private Acts of 1933, Chapter 374.
11. Private Acts of 1917, Chapter 337, amended Public Acts of 1915, Chapter 70, to provide that the per diem compensation of jurors in Shelby County would be \$2.50. Private Acts of 1917, Chapter 766, amended this to provide that the per diem compensation of jurors, who lived within five miles of the courthouse and who collected mileage, would not be changed. These acts were repealed by Private Acts of 1933, Chapter 376.
12. Private Acts of 1917, Chapter 729, amended Acts of 1905, Chapter 230, by placing the members of the jury commissioners on a stipulated monthly salary in lieu of the per diem that was provided.
13. Private Acts of 1919, Chapter 774, provided that jurors were to be paid \$2.50 per day plus 4¢ per mile if they lived at least six miles from the courthouse.
14. Private Acts of 1923, Chapter 418, amended Acts of 1905, Chapter 230, by providing that one of the commissioners appointed under the provisions of said act shall reside outside the corporate limits of the Shelby County Seat.
15. Private Acts of 1929, Chapter 418, amended Private Acts of 1905, Chapter 230, by providing that one of the commissioners appointed under the provisions of said act reside outside of the corporate limits of the Shelby County Seat.
16. Private Acts of 1929, Chapter 633, was an amendment to the board of jury commissioners act, which provided that the grand jury was to be chosen from the names of all qualified jurors in attendance in both the circuit and criminal courts, by placing their names in a box and letting the names be drawn from the box by a child under the age of ten years. This was repealed by Private Acts of 1931, Chapter 447.
17. Private Acts of 1929, Chapter 818, amended Acts of 1905, Chapter 230, by providing for the more effective service of jurors, the exemption of certain persons from further jury service under certain conditions; to permit judges to fix the time of service at a subsequent term and to otherwise make said act more effective.
18. Private Acts of 1933, Chapter 370, amended Acts of 1905, Chapter 230, by restructuring the board of jury commissioners.
19. Private Acts of 1937, Chapter 378, amended Private Acts of 1933, Chapter 370, \$175 per month.
20. Private Acts of 1949, Chapter 236, amended Private Acts of 1933, Chapter 370, by \$350 per month.

21. Private Acts of 1951, Chapter 157, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner appointed by the judges and chancellors receive a salary of \$375 per month.
22. Private Acts of 1953, Chapter 298, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner appointed by the judges and chancellors receive a salary of \$400 per month.
22. Private Acts of 1955, Chapter 118, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$5,400 per annum.
23. Private Acts of 1961, Chapter 121, amended Acts of 1905, Chapter 230, by extending the time in which the envelope containing the jury list be sealed from two to four years.
24. Private Acts of 1961, Chapter 252, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$7,500 per annum.
25. Private Acts of 1967-68, Chapter 237, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$9,500 per annum.
26. Private Acts of 1967-68, Chapter 330, would have repealed Private Acts of 1915, Chapter 30, and Private Acts of 1949, Chapter 357, but it was rejected or disapproved or not concurred in by the proper authorities and is was therefore not operative and not in effect in accordance with its provisions.
27. Private Acts of 1969, Chapter 182, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$12,000 per annum.
28. Private Acts of 1970, Chapter 316, amended Private Acts of 1933, Chapter 370, by providing that the salary of the jury commissioner shall be set by the quarterly county court of Shelby County.
29. Private Acts of 1979, Chapter 263, amended Acts of 1905, Chapter 230, by providing for an alternate method of providing names for jury venires.

COURT SYSTEM

CHANCERY COURT

REORGANIZATION

PUBLIC ACTS OF 1957

CHAPTER 294

COMPILER'S NOTE: Although this is a public act, only section 1 can be found in the Tennessee Code Annotated. Section 2 through 10 are of special effect and are not found in Tennessee Code Annotated.

SECTION 1. That the Chancery Court of Shelby County be and is hereby divided into three parts, to be known and designated as "Part I", "Part II", and "Part III". Two terms of said Court in all parts shall be held annually beginning on the first Mondays in April and October, and said Court shall have such jurisdiction and powers as are now exercised by said Court. The procedure, rules of practice, and laws governing the said Court shall be the same as are now in force, except where expressly changed by this Act, and the Court shall be considered open for orders, at rules and for other like purposes, whenever any part of said Court has not finally adjourned for the term. Any part of said Court shall regulate its own session and sit upon its own adjournment.

SECTION 2. That the present Chancellors of Shelby County and their successors in office shall sit and hold court regularly in Part I and Part II; and an additional office of Chancellor of Shelby County is hereby created, which shall be filled by the appointee hereafter named until the election of a Chancellor to fill said office as hereinafter provided, and said Chancellor and his successors in office shall sit and hold court regularly in Part III; but if any time the business of any part of said Court shall have been concluded by the trial of all causes at issue and for hearing at that term, and there shall remain causes undisposed of in the other parts of said Court, then it shall be the duty of all Chancellors to sit in the trial of the causes undisposed of until the same shall have been determined; and in such cases such apportionment of such undisposed causes shall be made by said Chancellors between them, and in such a way and at such times as shall conduce to the most speedy determination thereof; but all decrees in said causes shall be entered on the minutes of the part of said Court in which said causes are pending, as in cases of special Chancellors.

SECTION 3. That as soon after the passage of this Act as may be practicable, Chancellors of said Courts shall apportion among the three parts thereof the causes now pending in such a manner as to expedite the trial of said causes, and the Rule Docket and hearing Docket shall each show the part to which each cause is assigned, and thereafter each cause shall be for trial and proceed only in the part to which they are assigned, and suits brought in said Court from and after the time this Act takes effect shall be assigned by the Clerk & Master to each part as the Chancellors may by rules of Court provide, and the part to which a suit shall be assigned shall be designated on the Rule Docket and other dockets of said Court, and causes shall be proceeded with in that part to which it is assigned, and process shall be returnable to the part of said Court in which the suit is pending.

As amended by: Public Acts of 1969, Chapter 147.

SECTION 4. That the minutes of Part I, Part II and Part III of said Court shall be kept in separate books, but said minute book shall be numbered in regular sequence as heretofore, and the minutes of each part shall be signed by the Chancellor sitting regularly therein, except in the case of interchange regularly made.

SECTION 5. That the County Court of Shelby County shall furnish for the sittings of each part of said Court separate rooms, but as near together as may be convenient, and the Sheriff of said County, shall either in person or by deputy, attend upon the three parts of said Court when in session.

SECTION 6. That the reorganization made by this Act shall not affect the office, powers, duties, or responsibilities of the Clerk and Master of said Court, but said Clerk & Master shall hold his office with all the powers, duties and responsibilities now attached thereto during the term for which he was appointed and until his successor shall be appointed by the Chancellors of said Court and shall qualify. Said Clerk & Master shall, in person or by deputy, attend upon the three parts of said Court when in session.

SECTION 7. That the Governor shall appoint, on or before September 1, 1959, a person qualified under the law, to fill the office hereby created of Chancellor in Part III of said Court, who shall hold office until September 1, 1960, and until his successor is qualified. In the next regular election of county officers in the State to be held in August, 1960, a person qualified under the law shall be elected to hold said chancellorship until September 1, 1966, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1966, and from that election forward, a person qualified under the law shall be elected for the same term of office as are the other Chancellors in the State of Tennessee.

SECTION 8. That the Chancellor of Part III of said Court shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as other Chancellors in the State.

SECTION 9. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. That this Act take effect from and after September 1, 1959, the public welfare requiring it.

Passed: March 20, 1957.

COURT SYSTEM

CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Shelby County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 30th judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

The following acts form an outline of the development of equity jurisdiction in Shelby County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1829-30, Chapter 52, placed the counties of Shelby, Wayne, Hardin, McNairy, Hardeman and Fayette into a chancery district. The chancery court was held in Bolivar on the first Mondays of May and November.
2. Public Acts of 1835-36, Chapter 4, established chancery courts throughout the state. The counties of Shelby and Fayette composed the seventh chancery district of the Western Division. The chancery courts were held at Somerville on the fourth Mondays of May and November.
3. Acts of 1837-38, Chapter 14, provided that Fayette, Shelby, Hardeman and McNairy counties were to form one chancery division with court to be held in Somerville on the fourth Mondays in May and November of each year.
4. Acts of 1845-46, Chapter 4, provided that Fayette and Shelby counties should compose the seventh chancery division, and also provided that chancery court in Shelby County was to be held on the fourth Mondays in May and November.
5. Acts of 1845-46, Chapter 21, provided that Shelby County constitute a separate chancery district and set the times for holding said court on the fourth Mondays of May and November in Memphis.
6. Public Acts of 1857-58, Chapter 88, prescribed the times and places of holding the chancery courts of the state. The Shelby County Chancery Court was held on the fourth Mondays of May and November in Memphis.

7. Public Acts of 1869-70, Chapter 28, reorganized the courts of Shelby County, creating the seventh chancery division, with two chancery courts. This was amended by Public Acts of 1875, Chapter 23, which abolished the second chancery court.
8. Public Acts of 1870, Chapter 32, divided the state into chancery divisions. Shelby County was placed in the twelfth chancery district.
9. Public Acts of 1870, Chapter 47, set the term of the chancery court in Shelby County for the first Mondays of April and October.
10. Public Acts of 1875, Chapter 23, abolished the second chancery court of Shelby County and transferred all papers and records of the second chancery court to the first chancery court of Shelby County.
11. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery divisions. The chancery court of Shelby County was placed in the eleventh chancery division and was set to take place on the first Mondays in April and October.
12. Public Acts of 1889, Chapter 186, conferred upon the probate court of Shelby County the same jurisdiction as was possessed by the chancery courts to authorize guardians to exceed the incomes derived from the estates of their wards in the maintenance, education and support of their wards.
13. Public Acts of 1895, Chapter 36, reorganized the chancery court of Shelby County, dividing it into two divisions. Public Acts of 1899, Chapter 64, repealed this act.
14. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and set the times or holding said court. Shelby County was placed in the tenth chancery division and held chancery court on the first Mondays in January and July.
15. Acts of 1909, Chapter 90, Section 2, set the time of holding the chancery court of Shelby County to the first Mondays of October and April.
16. Acts of 1909, Chapter 391, also reorganized the chancery court of Shelby County, creating two divisions and dividing the case load equally between the two.
17. Public Acts of 1921, Chapter 101, set the salary of the clerk of the Shelby County Probate Court to \$7,500 per annum.
18. Private Acts of 1925, Chapter 417, amended the general law to provide that in Shelby County all executions from chancery court would be returnable on the first Monday of the month, coming not less than 30 days from the date of issuance of such execution.
19. Public Acts of 1931, Chapter 38, divided the state into chancery divisions and set the times of holding said court. Shelby County was placed in the tenth chancery division and held chancery court on the first Mondays in April and October.

20. Public Acts of 1955, Chapter 161, provided a secretary to the two chancellors of the tenth chancery division of the state, parts one and two, which heard chancery cases in Shelby County. This act was amended by Public Acts of 1963, Chapter 330, so as to provide a secretary to the three chancellors of the tenth chancery division, parts one, two and three, and to provide for their compensation.
21. Private Acts of 1967-68, Chapter 236, amended Public Acts of 1869-70, Chapter 86, to provide a schedule of fees to be paid as court costs to the clerk of the court. This act was repealed by Private Acts of 1980, Chapter 250.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

CONTRACT WITH BANKS

PRIVATE ACTS OF 1935

CHAPTER 497

SECTION 1. That the Clerks and Masters of the Chancery Courts of all counties in Tennessee having a population of 300,000 or more, by the Federal Census of 1930, or any subsequent Federal Census, are hereby authorized and required to contract with a solvent Bank or solvent Banks situated in such counties for the payment of interest on the daily bank balances of such Clerks and Masters to such Officer; *provided, however*, that nothing in this Act shall be construed to in any way relieve or diminish the duty and present legal liability of such Officers of selecting a solvent Bank or Banks as the depository of and for all funds and monies coming into his possession; *provided further*, that the Chancellor or Chancellors of such Chancery Courts may by proper order for any cause or reason deemed sufficient, relieve such Clerks and Masters of the duty of contracting for such interest as is herein provided.

SECTION 2. That all the interest so received by such Clerks and Masters as provided for in Section 1 of this Act, shall be held and disbursed by said Officer under and in accordance with the terms and provisions of Sections 10725 to 10730, inclusive, Chapter 13, Title 12 of Part III of the Code of Tennessee of 1932, providing for compensation of Officers and the disbursement of excess fees, emoluments, etc. by Clerks and Masters and other public officials therein named.

SECTION 3. That all laws and parts of laws in conflict herewith are hereby repealed.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 16, 1935.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is determined in accordance with T.C.A. § 8-24-102.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

The reference list below contains acts which once applied to the clerk and master in Shelby County.

1. Private Acts of 1917, Chapter 77, set the salary of the Shelby County Chancery Court Clerk to \$4,500 per annum.
2. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Chancery Court Clerk to \$6,000 per annum.
3. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Chancery Court Clerk to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the chancery clerk and probate clerk to \$7,200 per annum.
4. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Chancery Court Clerk to \$6,500 per annum and setting the salary of the probate court clerk to 8,000 per annum.

COURT SYSTEM

CIRCUIT COURT

ORGANIZATION

ACTS OF 1905

CHAPTER 102

COMPILER'S NOTE: This act has been amended four times, increasing the divisions of the circuit court. Those amendatory acts are found in their entirety immediately following this act. The amendatory acts are included in this volume though they are "Public" rather than "Private" acts because they are of special effect and are not included in Tennessee Code Annotated.

SECTION 1. That the Circuit Court of Shelby County be, and is hereby, divided into four parts, to be known and designated as Divisions One, Two, Three, and Four of said Court. The terms of said Court in said four divisions shall be held, beginning on the third Mondays in January, March, May, September, and November of each year, as now required by law, and said Court shall have such civil jurisdiction and powers as are now exercised by Circuit Courts in this State. The procedure, rules of practice, and the laws governing said Court shall be the same as are now in force, except as they are changed by this Act, or as the rules of practice may hereafter be changed by said Court; and each division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, each division of said Court shall regulate its own sessions and sit upon its own adjournments.

SECTION 2. That the present Judge of the Circuit Court of Shelby County, and his successors in office, shall sit and hold Court regularly in Division One; and the offices of three additional Circuit Judges of Shelby County are hereby created, which shall be filled by the appointees hereafter to be named until the election of Judges to fill said offices, as hereinafter provided, and said three Circuit Judges, to be so appointed or elected, and their successors in office, shall sit and hold Court regularly in Divisions Two, Three, and Four thereof.

SECTION 3. That the Governor, as soon after the passage of this Act as practicable, shall appoint persons qualified, under the law, to fill the offices hereby created of Circuit Judges in Divisions Two, Three, and Four of said Court, and shall designate which of said three persons shall hold Division Two and Division Three and Division Four thereof, all of whom shall hold office until their successors are elected and qualified. An election shall be held in said county, as required by law, on the first Thursday in August, 1906, for said three Judges, who shall hold said offices respectively as in the case of a vacancy, and shall hold office until the next regular election of judicial officers in the State, and until their successors are elected and qualified.

SECTION 4. That the three Judges herein provided for shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

SECTION 5. [Deleted by Private Acts of 1927, Chapter 131].

As amended by: Private Acts of 1913, Chapter 249,
Private Acts of 1925, Chapter 431.

SECTION 6. That the minutes of Divisions One, Two, Three, and Four of said Court shall be kept in separate books, the same to be numbered in regular sequence, as heretofore. The minutes of each division shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

SECTION 7. That if at any time either of said Divisions One, Two, Three, or Four shall dispose of the cases assigned to such division, and either of the other divisions shall then have cases on its own docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to one of the other divisions of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the division to which they are assigned or transferred.

SECTION 8. That all cases now pending in the Second Circuit Court of Shelby County shall be assigned and transferred to Division Four of the Circuit Court, to be tried and determined, as herein provided. Hereafter all appeals to the Circuit Court of Shelby County and all cases taken to that Court by *certiorari* or other appellate proceedings shall be kept upon a separate docket. All cases brought in the Circuit Court and assigned to Divisions One, Two, Three, and Four shall be kept upon one docket.

As amended by: Private Acts of 1913, Chapter 249.

SECTION 9. That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the sittings of said Courts separate rooms, but as near together as may be convenient, and the Sheriff of said county shall in person or by deputy attend upon each division of said Court when in session.

SECTION 10. That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties, and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon each division of said Court when in session.

SECTION 11. That all laws and parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed.

SECTION 12. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 27, 1905.

COURT SYSTEM

CIRCUIT COURT

CREATION OF DIVISION V

PUBLIC ACTS OF 1955

CHAPTER 162

SECTION 1. That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to reorganize the Circuit Court of Shelby County," be, and is, hereby amended, to create a fifth division of the Circuit Court of Shelby County. The said Fifth Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other divisions of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Fifth Division shall be the same as are now and hereafter in force for the other division of the Circuit Court of Shelby County. The said Fifth Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the Term, the said Fifth Division of said Court shall regulate its own sessions and sit upon its own adjournments.

SECTION 2. That the office of the Fifth additional Circuit Judge of Shelby County is hereby created, which shall be filled by the appointee hereafter to be named until the election of a Judge to fill said office, as hereinafter provided, and said Fifth Circuit Judge, to be so appointed or elected, and his successor in office, shall sit and hold Court regularly in Division Five thereof.

SECTION 3. That the Governor shall appoint on or before September 1, 1955 a person qualified under the law, to fill the office hereby created of Circuit Judge in Division Five of said Court who shall hold office until September 1, 1956, and until his successor is qualified. At the next regular election of county officers in the State to be held in August 1956, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1958, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1958, and from that election forward, a person qualified under the law shall be elected for the same term of office as are the other Circuit Judges in the State of Tennessee.

SECTION 4. That the Judge of the Fifth Division of the Circuit Court of Shelby County shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

SECTION 5. That the Judges presiding in Divisions 1, 2, 3, 4 and 5 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the five divisions thereof, and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the five divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

SECTION 6. That the minutes of Division 5 of said Court shall be kept in the same manner as the minutes of Divisions 1, 2, 3, and 4 of said Court are or may hereafter be kept. The minutes

of Division 5 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

SECTION 7. That if at any time Division 5 of said Court shall dispose of the cases assigned to the Fifth Division, and any of the other divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 5 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Fifth Division, to which they are assigned or transferred.

SECTION 8. That the County Court of Shelby County shall furnish all books and necessary supplies for said Fifth Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, and the Sheriff of said County shall in person or by deputy attend upon the Fifth Division of said Court when in session.

SECTION 9. That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 5 when in session.

SECTION 10. That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

SECTION 11. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 8, 1955.

COURT SYSTEM

CIRCUIT COURT

CREATION OF DIVISION VI

PUBLIC ACTS OF 1957

CHAPTER 318

SECTION 1. That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to reorganize the Circuit Court of Shelby County," as amended, be, and is, hereby amended, to create a sixth division of the Circuit Court of Shelby County. The said Sixth Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other divisions of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Sixth Division shall be the same as are now and hereafter in force for the other divisions of the Circuit Court of Shelby County. The said Sixth Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, the said Sixth Division of said Court shall regulate its own sessions and sit upon its own adjournments.

SECTION 2. That the office of the Sixth additional Circuit Judge of Shelby County is hereby created; and said office shall be filled at the regular election of County officers in the State to be held in August, 1958.

SECTION 3. That the Judge of the Sixth Division of the Circuit Court of Shelby County shall have the same qualifications, tenure and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

SECTION 4. That the Judges presiding in Divisions 1,2,3,4,5, and 6 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the six division thereof, and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the six divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

SECTION 5. That the minutes of Division 6 of said Court shall be kept in the same manner as the minutes of Divisions 1, 2, 3, 4 and 5 of said Court are or may hereafter be kept. The minutes of Division 6 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

SECTION 6. That if at any time Division 6 of said Court shall dispose of the cases assigned to the Sixth Division, and any of the other Divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 6 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Sixth Division, to which they are assigned or transferred.

SECTION 7. That the County Court of Shelby County shall furnish all books and necessary supplies for said Sixth Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, as soon as same can be made available, and the Sheriff of said County shall, in person or by deputy, attend upon the Sixth Division of said Court when in Session.

SECTION 8. That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 6 when in Session.

SECTION 9. That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

SECTION 10. That this Act take effect from and after June 1, 1958, the public welfare requiring it.

Passed: March 20, 1957.

COURT SYSTEM

CIRCUIT COURT

CREATION OF DIVISION VII

PUBLIC ACTS OF 1963

CHAPTER 188

SECTION 1. That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to Reorganize the Circuit Court of Shelby County," as amended, be, and is, hereby amended, to create a seventh division of the Circuit Court of Shelby County. The said Seventh Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other divisions of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Seventh Division shall be the same as are or hereafter in force for the other division of the Circuit Court of Shelby County. The said Seventh Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, the said Seventh Division of said Court shall regulate its own sessions and sit upon its own adjournments.

SECTION 2. That the office of the Seventh additional Circuit Judge of Shelby County is hereby created which shall be filled by an appointee hereafter to be named until the election of a judge to fill said office, as hereinafter provided, and the said Seventh Circuit Judge to be so appointed or elected and his successor in office shall sit and hold Court regularly in Division VII thereof.

SECTION 2-A. That the Governor shall appoint on or before September 1, 1963, a person qualified under the law to fill the office hereby created of Circuit Judge of Division VII of said Court who shall hold office until September 1, 1964, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1964, a person qualified under the law shall be elected to hold said judgeship until September 1, 1966, and until his successor qualifies. Beginning with the regular election of County officers in the State to be held in August, 1966, and from that election forward a person qualified under the law shall be elected for the same term of office as are the other Circuit Judges in the State of Tennessee.

SECTION 3. That the Judge of the Seventh Division of the Circuit Court of Shelby County shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

SECTION 4. That the Judges presiding in Divisions 1,2,3,4,5,6 and 7 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the seven divisions thereof and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the seven divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

SECTION 5. That the minutes of Division 7 of said Court shall be kept in the same manner as the minutes of Divisions 1, 2, 3, 4, 5 and 6 of said Court are or may hereafter be kept. The minutes of Division 7 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

SECTION 6. That if at any time Division 7 of said Court shall dispose of the cases assigned to the Seventh Division, and any of the other divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 7 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Seventh Division, to which they are assigned or transferred.

SECTION 7. That the County Court of Shelby County shall furnish all books and necessary supplies for said Seventh Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, and the Sheriff of said County shall in person or by deputy attend upon the Seventh Division of said Court when in session.

SECTION 8. That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 7 when in session.

SECTION 9. That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

SECTION 10. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1963.

COURT SYSTEM

CIRCUIT COURT

CREATION OF DIVISION VIII

PUBLIC ACTS OF 1963

CHAPTER 189

SECTION 1. That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to Reorganize the Circuit Court of Shelby County," as amended, be, and is, hereby amended, to create an Eighth Division of the Circuit Court of Shelby County. The said Eighth Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other division of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Eighth Division shall be the same as are or hereafter in force for the other divisions of the Circuit Court of Shelby County. The said Eighth Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, the said Eighth Division of said Court shall regulate its own sessions and sit upon its own adjournments.

SECTION 2. That the office of the Eighth additional Circuit Judge of Shelby County is hereby created; and the said office shall be filled by a person qualified under the law who shall be elected at the next regular election of County officers to be held in the State in August, 1964, and the person elected to fill the office shall take office September 1, 1964, and shall hold office until September 1, 1966, and until his successor qualifies. Beginning with the regular election of County officers in the State to be held in August 1966, and from that election forward a person qualified under the law shall be elected for the same term of office as are the other Circuit Judges in the State of Tennessee.

SECTION 3. That the Judge of the Eighth Division of the Circuit Court of Shelby County shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

SECTION 4. That the Judges presiding in Divisions 1,2,3,4,5,6,7, and 8 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the eight divisions thereof and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the eight divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

SECTION 5. That the minutes of Division 8 of said Court shall be kept in the same manner as the minutes of Divisions 1,2,3,4,5,6, and 7 of said Court are or may hereafter be kept. The minutes of Division 8 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

SECTION 6. That if any time Division 8 of said Court shall dispose of the cases assigned to the Eighth Division, and any of the other divisions shall then have cases on its docket undisposed

of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 8 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Eighth Division, to which they are assigned or transferred.

SECTION 7. That the County Court of Shelby County shall furnish all books and necessary supplies for said Eighth Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, and the Sheriff of said County shall in person or by deputy attend upon the Eighth Division of said Court when in session.

SECTION 8. That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties, and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 8 when in session.

SECTION 9. That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

SECTION 10. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1963.

COURT SYSTEM

CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Shelby County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 30th judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

The following acts were once applicable to the circuit court of Shelby County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1821, Chapter 42, placed Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry counties in the eighth judicial circuit.
2. Public Acts of 1821, Chapter 65, provided that appeals in the nature of writs of error from the eighth judicial circuit were to be made to the supreme court of errors and appeals for the sixth circuit at Columbia.
3. Public Acts of 1823, Chapter 41, set the time for holding the Shelby County Circuit Court on the second Mondays in April and October.
4. Private Acts of 1824, Chapter 102, set the time for holding the Shelby County Circuit Court to the first Mondays in April and October.
5. Private Acts of 1825, Chapter 318, set the time for holding the Shelby County Circuit Court to the second Mondays in June and December.
6. Public Acts of 1829-30, Chapter 52, placed the counties of Shelby, Wayne, Hardin, McNairy, Hardeman and Fayette in the tenth judicial circuit.
7. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The counties of Shelby, Fayette, Hardeman, McNairy, Hardin and Wayne composed the eleventh judicial circuit. Shelby County held its circuit court on the first Mondays in January, May and September.
8. Acts of 1837-38, Chapter 116, Section 7, changed the times of holding the Shelby County Circuit Court to the first Mondays in February, June and October.

9. Acts of 1845-46, Chapter 21, placed Shelby County in the eleventh judicial circuit and set the times for holding said court to the first Mondays in January, May and September.
10. Acts of 1851-52, Chapter 352, changed the times of holding the circuit court of Shelby County to the third Mondays of January, May and September.
11. Public Acts of 1857-58, Chapter 98, prescribed the times and places of holding the circuit courts of the state. The Shelby County Circuit Court was placed in the fifteenth judicial circuit and held circuit court on the third Mondays in January, May and September.
12. Private Acts of 1865-66, Chapter 103, authorized the clerks of circuit and county courts of Shelby County to keep their office in Memphis as well as in Raleigh.
13. Public Acts of 1867-68, Chapter 4, changed the times of holding the circuit court of Shelby County to the fourth Mondays of January, May and September.
14. Public Acts of 1869-70, Chapter 28, reorganized the circuit courts in Shelby County, by creating the twentieth judicial circuit, containing only the courts of Shelby County. The twentieth judicial circuit was to have three circuit courts and one criminal court. Public Acts of 1875, Chapter 23, amended this act to abolish the second circuit court, and Public Acts of 1883, Chapter 183, was another amendatory act which changed the term of circuit court.
15. Public Acts of 1870, Chapter 31, laid the state off into judicial circuits. The fifteenth circuit was composed of the two circuit courts of Shelby County.
16. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts of the state. The circuit court of Shelby County was set for the third Mondays in January, May and September.
17. Public Acts of 1870, Chapter 82, made the judge of the probate court the judge of the circuit court of Shelby County at Bartlett, and attached that court to the fifteenth judicial circuit. This act also provided for the election of an attorney general for the Bartlett Circuit Court.
18. Public Acts of 1870-71, Chapter 32, provided that the return of process issuing from the superior courts of law and chancery in Shelby County was to be returnable to the newly-established circuit and chancery courts in Shelby County.
19. Public Acts of 1873, Chapter 68, provided that the circuit court of Shelby County shall have jurisdiction throughout the county except in the fifth, thirteenth and fourteenth civil districts of said county or the City of Memphis.
20. Public Acts of 1875, Chapter 23, abolished the second circuit court of Shelby County and styled the first circuit court of Shelby County as the Shelby County Circuit Court. All records of the second circuit court were transferred to the first circuit court of Shelby County.
21. Public Acts of 1879, Chapter 230, withdrew the jurisdiction of the Bartlett Circuit Court from all portions of Shelby County south of the Wolf River.

22. Public Acts of 1885, Chapter 35, abolished the Bartlett Circuit Court of Shelby County and transferred its cases and records to the circuit court of Shelby County.
23. Public Acts of 1885, Chapter 140, authorized the county court to donate the Bartlett courthouse and grounds to the school directors of that school district, to be used for public educational purposes.
24. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. Shelby County was placed in the fourteenth judicial circuit in which the times for holding said court was set for the third Mondays in January, March, May, September and November.
25. Public Acts of 1893, Chapter 62, made the judge of the probate court of Shelby County and his successor in office, the judge of the circuit court of Shelby County. This act was repealed by Acts of 1905, Chapter 138.
26. Public Acts of 1893, Chapter 99, created the second circuit court of Shelby County to have exclusive jurisdiction over divorce cases from the circuit court and to give the circuit court, Division IV, appellate jurisdiction over all cases of appeal, certiorari and supersedeas. This was repealed by Acts of 1905, Chapter 137.
27. Public Acts of 1899, Chapter 62, made the judge of the probate court the judge of the second circuit court of Shelby County in addition to his other duties. This was repealed by Acts of 1905, Chapter 138.
28. Public Acts of 1901, Chapter 90, amended Public Acts of 1899, Chapter 427, by placing Shelby County in the fifteenth judicial circuit and setting the times for holding said court to the third Mondays of January, March, May, September and November.
29. Acts of 1907, Chapter 371, amended the circuit court reorganization Act of 1905 to remove jurisdiction over divorce cases from the circuit court and to give the circuit court, Division IV, appellate jurisdiction over appeals from all inferior courts in Shelby County, with the exception of the probate court. The 1905 reorganization act was further amended by Private Acts of 1925, Chapter 431, which provided that beginning with the first term of court after passage of that act, the judges of each of the four divisions would alternate as presiding judge of the circuit court. Both of these acts were repealed by Private Acts of 1927, Chapter 131.
30. Private Acts of 1911, Chapter 226, made unmarried women eligible to serve as deputies to the circuit court clerk, but also provided that they would immediately forfeit their office if they were to marry.
31. Private Acts of 1917, Chapter 430, regulated procedure in the circuit court of Shelby County.
32. Private Acts of 1919, Chapter 617, provided that appeals from all courts in Shelby County were to be taken to the Supreme Court of Tennessee, sitting in Nashville. This was repealed by Private Acts of 1963, Chapter 155.
33. Private Acts of 1925, Chapter 431, amended the general law to require all divorce proctors in Shelby County to endorse each bill for divorce in order to acknowledge service upon his

office of a copy of the bill. This act also required that a fee of \$5.00 be paid to the office of divorce proctor before a bill for divorce could be filed. This act was repealed by Private Acts of 1927, Chapter 131.

34. Private Acts of 1925, Chapter 417, amended the general law to provide that in Shelby County all executions from the circuit and chancery courts were returnable on the first Monday of the month, coming not less than thirty days from the date of issuance of such execution.
35. Public Acts of 1931, Chapter 38, divided the state into judicial circuits and set the times for holding said court. Shelby County was placed in the fifteenth circuit and held circuit court on the third Mondays in January, March, May, September and November.
36. Private Acts of 1935, Chapter 180, gave the probate court of Shelby County the same jurisdiction over cases arising under the “Workmen’s Compensation Law” as that exercised by the circuit court of Shelby County. This act was repealed by Private Acts of 1955, Chapter 199.
37. Private Acts of 1955, Chapter 223, amended Public Acts of 1870, Chapter 86, by setting a fee schedule to defray the cost of operating the court. This has been superseded by the fee schedule set by Private Acts of 1967-68, Chapter 236.
38. Private Acts of 1957, Chapter 124, attempted to amend Acts of 1870, Chapter 80, by increasing the salary of the probate judge to \$10,000 per year, but the provisions of this act were rejected by the quarterly county court of Shelby County and never became effective.

COURT SYSTEM

CIRCUIT COURT

CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is set by T.C.A. § 8-24-102.

The following acts have no current effect, but once applied to the Shelby County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 77, set the salary of the Shelby County Circuit Court Clerk to \$5,500 per annum.
2. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Circuit Court Clerk to \$6,000 per annum.
3. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Circuit Court Clerk to \$5,000 per annum.
4. Private Acts of 1951, Chapter 160, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Circuit Court Clerk to \$6,000 per annum.
5. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by fixing the salary of the Shelby County Circuit Court Clerk to \$6,000 per annum. This act was repealed by Private Acts of 1955, Chapter 90.

COURT SYSTEM

CRIMINAL COURT

PUBLIC ACTS OF 1967

CHAPTER 162

SECTION 1. That the Criminal Court of Shelby County be and the same is hereby divided into five divisions, to be known and designated as Division 1, Division 2, Division 3, Division 4 and Division 5 of said Court.

SECTION 2. That the terms of said Court and of the five divisions thereof as herein provided shall be held as heretofore, beginning on the third Mondays in January, May and September, and the procedure, rules, practice, and general powers, and authority in all divisions of said Criminal Court of Shelby County shall be the same as are now in force. Each division of said Court shall regulated its own sessions and adjournment.

SECTION 3. That the present judges of the Criminal Court of Shelby County and their successors in office shall preside over Division 1, 2, 3, and 4 of said Court. The office of one additional Judge of the Criminal Court of Shelby County is hereby created, which shall be filled by the appointee hereafter to be named until the election of a Judge to fill said office, as hereinafter provided, and said fifth Criminal Judge, to be so appointed or elected, and his successor in office, shall sit and hold Court regularly in division 5 thereof.

SECTION 4. That the Governor shall appoint on or before September 1, 1967, a person qualified under the law, to fill the office hereby created of Criminal Judge in Division 5 of said Court, who shall hold office until September 1, 1968, and until successor is qualified. In the next regular election of County Officers in the State to be held in August, 1968, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1974, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1968, and from that election forward, a person qualified under the law shall be elected for the same term of office as are other Criminal Judges in the State of Tennessee.

SECTION 5. That the Judge of the Fifth Division of the Criminal Court of Shelby County shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as other Criminal Judges in the State.

SECTION 6. It shall be the duty of the judges presiding over the respective divisions of the criminal court to charge the grand jury and the grand jury shall report all bills of indictment or presentment to the respective judges according to the sequence set forth herein. The charging and reporting of the grand jury shall be rotated among criminal court divisions in the following manner:

At the term of the criminal court which immediately follows the effective date of this act, the grand jury shall be charged by and shall report presentments and indictments to the presiding judge of Division I of the criminal court; at the next term of court following charging and reporting to

Division I, the grand jury shall be charged by and shall report to the presiding judge of Division II of the criminal court; at subsequent terms of court the grand jury shall be charged by and shall report to the next consecutively numbered division of the criminal court until all of the divisions are exhausted whereupon the charging and reporting duties shall devolve to the presiding judge of Division I and thereafter according to the sequence set forth herein. Upon the disqualification, abolition, absence or other disability rendering the performance of the duties set forth herein impossible by the judge of any division, the duties shall devolve to and be performed by the presiding judge of the next consecutively numbered division of the criminal court.

As amended by: Public Acts of 1978, Chapter 755.

SECTION 7. That this Act shall not affect the office, duties or compensation of the present Attorney General of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties, responsibilities and compensation attached thereto during the term for which he is elected and until his successor shall be elected and qualified; provided, however, that the present Attorney General of the Criminal Court of Shelby County and his successors in office shall be the Attorney General of Division 1, Division 2, Division 3, Division 4 and Division 5 of said Court, and shall perform all of the duties in and with respect to said Divisions 1, 2, 3, 4 and 5 of said Court as are now required by law to be performed by him as Attorney General of the Criminal Court of Shelby County.

SECTION 8. That the minutes of the five divisions of said Court shall be kept in separate books, the same to be numbered as heretofore. The minutes of each division shall be signed by the judge presiding therein, except in case of inter-change regularly made.

SECTION 9. That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the five divisions of said Court separate rooms, but as near together as may be convenient, and the Sheriff of said County shall, be in person or by deputy, attend upon each division of said Court when in session.

SECTION 10. That this Act shall not affect the office and duties or compensation of the present Clerk of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties and responsibilities, attached thereto, during the term for which he is elected, and until his successor shall be elected and qualified. Said Clerk shall, in person or by deputy, attend upon each division of said Court when in session, and shall be known as the "Clerk of the Criminal Court of Shelby County, Divisions 1, 2, 3, 4 and 5," and the Clerk of said Court shall place all cases upon the respective dockets and set them for trial in each division of said Court.

SECTION 11. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 12. That this Act shall take effect from and after September 1, 1967, the public welfare requiring it.

Passed: May 1, 1967.

COURT SYSTEM

CRIMINAL COURT

PUBLIC ACTS OF 1970

CHAPTER 358

COMPILER'S NOTE: Although this is a public act, it is included in this volume because its provisions have special effect and are not found in Tennessee Code Annotated.

SECTION 1. That the Criminal Court of Shelby County be and the same is hereby divided into six Divisions, to be known and designated as Division 1, Division 2, Division 3, Division 4, Division 5, and Division 6 of said Court.

SECTION 2. That the terms of said Court and of the six Divisions thereof as herein provided shall be held as heretofore, beginning on the third Mondays in January, May and September, and the procedure, rules, practice, general powers, and authority in all Divisions of said Criminal Court of Shelby County shall be the same as are now in force. Each Division of said Court shall regulate its own sessions and adjournment.

SECTION 3. That the present Judges of the Criminal Court of Shelby County and their successors in office shall preside over Division 1,2,3,4, and 5 of said Court. The office of one additional Judge of the Criminal Court of Shelby County is hereby created, which shall be filled by the appointee hereafter to be named until the election of a Judge to fill said office, as hereinafter provided, and said sixth Criminal Judge, to be so appointed or elected, and his successor in office, shall sit and hold Court regularly in Division 6 thereof.

SECTION 4. In the next regular election of County Officers in the State to be held in August, 1970, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1974, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1974, and from that election forward, a person qualified under the law shall be elected for the same term of office as are other Criminal Judges in the State of Tennessee.

SECTION 5. That the Judge of the Sixth Division of the Criminal Court of Shelby County shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as other Criminal Judges in the State.

SECTION 6. That it shall be the duty of the Judge presiding over Division 1 to charge the Grand Jury, but in his absence or disqualification, this may be done by the Judge presiding over Division 2, and if he also be absent or disqualified, then this may be done by the Judge presiding over Division 3, and if he also be absent or disqualified, then this may be done by the Judge presiding over Division 4, and if he also be absent or disqualified then this may be done by the Judge presiding over Division 5, and if he also be absent or disqualified, then this may be done by the

Judge presiding over Division 6, and the Grand Jury shall report all bills of indictment or presentment to the Judge of Division 1.

SECTION 7. That this Act shall not affect the office, duties or compensation of the present Attorney General of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties, responsibilities and compensation attached thereto during the term for which he is elected, and until his successor shall be elected and qualified; provided, however, that the present Attorney General of the Criminal Court of Shelby County and his successors in office shall be the Attorney General of Division 1, Division 2, Division 3, Division 4, Division 5, and Division 6 of said Court, and shall perform all of the duties in and with respect to said Divisions 1, 2, 3, 4, 5, and 6 of said Court as are now required by law to be performed by him as Attorney General of the Criminal Court of Shelby County.

SECTION 8. That the minutes of the six Divisions of said Court shall be kept in separate books, the same to be numbered as heretofore. The minutes of each Division shall be signed by the Judge presiding therein, except in case of inter-change regularly made.

SECTION 9. That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the six Divisions of said Court separate rooms, but as near together as may be convenient, and the Sheriff of said County shall, in person or by deputy, attend upon each division of said Court when in session.

SECTION 10. That this Act shall not affect the office and duties or compensation of the present Clerk of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties and responsibilities, attached thereto, during the term for which he is elected, and until his successor shall be elected and qualified. Said Clerk shall, in person or by deputy, attend upon each Division of said Court when in session, and shall be known as the "Clerk of the Criminal Court of Shelby County, Divisions 1,2,3,4,5, and 6," and the Clerk of said Court shall place all cases upon the respective dockets and set them for trial in each Division of said Court.

SECTION 11. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 12. That this Act shall take effect from and after passage, the public welfare requiring it.

Passed: February 3, 1970.

COURT SYSTEM

CRIMINAL COURT

PUBLIC ACTS OF 1976

CHAPTER 544

COMPILER'S NOTE: Only a portion of this act appears in the Tennessee Code Annotated. The entire act is reproduced here for the information and convenience of our readers.

SECTION 1. Tennessee Code Annotated, Section 16-229 is amended by deleting the section and substituting in lieu thereof the following:

Criminal court for the fifteenth judicial circuit shall be held in Divisions I, II, III, IV, V, VI, VII, and VIII in Shelby County on the third Mondays in January, May and September.

SECTION 2. The terms of the court and of its eight divisions shall be held as heretofore, beginning on the third Mondays in January, May and September, and the procedure, rules, practice, general powers, and authority in all divisions of the Criminal Court of Shelby County shall be the same as are now in force. Each division of the court shall regulate its own sessions and adjournment.

Division VIII of the Criminal Court of Shelby County shall be funded with federal funds and no state funds shall be expended for the 1976-77 fiscal year or thereafter if sufficient federal funding is available to operate that court. No state funding shall be provided for any courts created under this act prior to July 1, 1976.

SECTION 3. The present judges of the Criminal Court of Shelby County and their successors in office shall preside over Divisions 1,2,3,4,5, and 6. Two additional judgeships are created which shall be filled by appointment of the governor. These judges shall hold office until the election of their successors as provided in Section 4. These additional judges, appointed or elected, and their successors in office, shall sit and hold court regularly in Divisions 7 and 8 respectively.

SECTION 4. The Governor shall appoint a qualified person to fill each office created by this act, such appointment to be effective until September 1, 1978, and until a successor to such office is elected and qualified. At the August 1978 general election, a person qualified under the law shall be elected to each new judgeship created herein, to assume office September 1, 1978, and to hold office until September 1, 1982, or until his successor is elected and qualified. Beginning with the regular election of judicial officers in August 1982, and every eight (8) years thereafter a qualified person to succeed to each such judgeship shall be elected for a term of eight (8) years.

SECTION 5. The judges of the Seventh and Eighth Divisions of the Criminal Court of Shelby County shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other criminal judges in the state.

SECTION 6. It shall be the duty of the judge presiding over Division 1 to charge the Grand Jury, but in his absence or disqualification, this may be done by any division judge, proceeding subsequently through each division until a judge qualified to charge the jury is found. The Grand Jury shall report all bills of indictment or presentment to the Judge of Division 1.

SECTION 7. This act shall not affect the office, duties or compensation of the present Attorney General of the Criminal Court of Shelby County or his successors in office, who shall hold office with all the powers, duties, responsibilities and compensation attached thereto during the term for which he is elected, and until his successor shall be elected and qualified. The present Attorney General of the Criminal Court of Shelby County and his successors in office shall be the Attorney General of all eight divisions of the Criminal Court, and shall perform all of the duties with respect to the eight divisions of the court as are now required by law to be performed by him as Attorney General of the Criminal Court of Shelby County.

SECTION 8. The minutes of the eight divisions of the court shall be kept in separate books, the same to be numbered as the divisions. The minutes of each division shall be signed by the judge presiding therein, except in case of inter-changes regularly made.

SECTION 9. The County Court of Shelby County shall furnish all books and necessary supplies for the criminal court, and shall also furnish for the eight divisions of the court separate rooms, but as near together as may be convenient, and the sheriff of Shelby County shall, in person or by deputy, attend each division of the Criminal Court when in session.

SECTION 10. This act shall not affect the office, duties, or compensation of the present Clerk of the Criminal Court of Shelby County or his successors in office, who shall hold the office with all its powers, duties and responsibilities during the term for which he is elected, and until his successor shall be elected and qualified. The clerk shall, in person or by deputy, attend each division of the court when in session, and shall be known as the "Clerk of the Criminal Court of Shelby County, Divisions 1, 2, 3, 4, 5, 6, 7, and 8," and as clerk of this court shall place all cases upon the respective dockets and set them for trial in each division of the court.

SECTION 11. This act shall take effect September 1, 1976.

Passed: March 11, 1976.

COURT SYSTEM

CRIMINAL COURT

CLERK - DISPOSAL OF ABANDONED PROPERTY

PRIVATE ACTS OF 1959

CHAPTER 185

SECTION 1. That the Clerk of the Criminal Courts of Shelby County is hereby authorized to dispose of all abandoned, stolen and/or recovered property, other than as provided in Section 4 herein, which is in said Clerk's custody and possession by virtue of said property having been held as evidence or exhibits in a criminal prosecution. Such disposition shall not be made until a period of six months (6) has elapsed from final adjudication of the case.

SECTION 2. That prior to disposing of said property, the Clerk shall make a reasonable effort to locate the true owner of said property and notify such owner of the Clerk's possession of said property. The true owner, when located, shall claim said property within a reasonable time.

SECTION 3. That prior to disposing of said property under the provisions of this Act, the Clerk shall present to a Judge of one [sic] the Criminal Courts of Shelby County a list of all such property to be disposed of, together with an affidavit that he has made a reasonable search for the true owner thereof, and that said true owner cannot be located. The Clerk shall then procure from said Judge an appropriate order of the Court directing the manner in which such property is to be disposed of.

SECTION 4. That nothing in this Act shall be construed as repealing the provisions of any other Act now in effect which provides for the disposition of abandoned, stolen, recovered and/or contraband property; and provided further that no such property shall be returned to the owner, even if known, if the return of such property may be inimical to the public welfare.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1959.

COURT SYSTEM

CRIMINAL COURT

In some counties of Tennessee, a separate criminal court has been established which has the criminal law jurisdiction of the circuit courts. The criminal court has appellate jurisdiction over criminal law matters decided in the general sessions courts.

The criminal court of Shelby County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 30th judicial district.

For the general law pertaining to criminal courts, see title 16, chapter 10 of Tennessee Code Annotated. For the general law pertaining to criminal court clerks, see title 18, chapter 4 of Tennessee Code Annotated.

The following acts once pertained to the Shelby County Criminal Court, but are no longer current law.

1. Acts of 1843-44, Chapter 35, was the first act establishing a separate criminal court for Shelby County, establishing it at Memphis and providing for a criminal court clerk and a method of appointing juries to serve in the criminal court.
2. Acts of 1845-46, Chapter 21, set the term of criminal court in Shelby County of the first Mondays in March, July and November of each year.
3. Acts of 1845-46, Chapter 145, increased the jurisdiction of the criminal court of Shelby County giving it civil jurisdiction in causes arising in the fifth, thirteenth and fourteenth civil districts in Memphis, South Memphis and Fort Pickering, and provided that the criminal court judge should receive an additional salary of \$1,500 per year for his services in presiding over civil cases.
4. Public Acts of 1870, Chapter 46, set the time for holding the criminal court of Shelby County to the third Mondays of January, May and September.
5. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Shelby County Criminal Court for the third Mondays in January, May and September.
6. Public Acts of 1899, Chapter 427, created a special criminal court for Shelby County which became known as the Shelby County Criminal Court with jurisdiction over all criminal cases arising in the county.
7. Private Acts of 1901, Chapter 435, set the term of the criminal court of Shelby County on the third Mondays in January, May and September.
8. Acts of 1905, Chapter 215, made applicable to Shelby County a law regulating the collection of costs in criminal cases arising under the small offenses law.

9. Acts of 1907, Chapter 351, reorganized the criminal court of Shelby County, creating two divisions. This was amended by Acts of 1909, Chapter 445, which made the jurisdiction of both divisions equal and coordinate.
10. Private Acts of 1919, Chapter 225, authorized the criminal court judges to appoint a stenographer, who would receive an annual salary of \$1,200.
11. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Criminal Court Clerk to \$6,000 per annum.
12. Private Acts of 1923, Chapter 201, set the salary of the chief probation officer at \$1,800 per year.
13. Public Acts of 1931, Chapter 38, placed the criminal court of Shelby County in the fifteenth circuit and set the time for holding said court on the third Mondays in January, May and September.
14. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Criminal Court Clerk to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the criminal court clerk to \$6,000 per annum.
15. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the criminal court clerk to \$6,000 per annum.
16. Private Acts of 1957, Chapter 280, attempted to create a probation officer for the fifteenth judicial circuit of Tennessee, but this act was not approved by local authorities and the officer never came into existence.
17. Public Acts of 1965, Chapter 266, reorganized the criminal court of Shelby County, it created four divisions, defined jurisdiction of said court, provided for an additional judge for said court and defined the duties of the clerk and the attorney general of said court.

COURT SYSTEM

DISTRICT ATTORNEY GENERAL

ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Shelby County is in the 30th judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive director of the district attorneys general conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

The following acts once affecting Shelby County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1821, Chapter 42, placed Henderson, Madison and Shelby counties in the fourteenth solicitorial district.
2. Public Acts of 1897, Chapter 24, authorized that districts attorneys in counties with populations over 50,000, based on the Federal Census of 1890, receive a compensation of \$1,200 per annum. This act was amended by Private Acts of 1923, Chapter 386, to allow the district attorney to hire three more assistants at an annual salary of \$1,800 per year. Private Acts of 1925, Chapter 401, amended Private Acts of 1923, Chapter 386, by raising the salary to \$2,700 per year for the first assistant district attorney general and raised the salary of the second and third assistant district attorney generals to \$1,800 per year.
3. Public Acts of 1897, Chapter 58, authorized county courts in counties having a population of more than 80,000, according to the Federal Census of 1890, to appropriate additional compensation to the district attorney general.
4. Acts of 1907, Chapter 353, gave the district attorney the authority to hire an assistant at an annual salary of \$1,200 per annum.
5. Private Acts of 1911, Chapter 325, set the salary of assistant attorneys general in Shelby County at \$1,800 per year to be paid quarterly by the comptroller. This was amended by Private Acts of 1917, Chapter 485, to authorize an additional \$1,200 per year to be paid to assistant attorneys general in Shelby County.
6. Private Acts of 1913, Chapter 157, authorized the county court to increase the salaries of the district attorney and his assistants, as it deemed equitable, but not to exceed the amount of \$2,500 per year. This was amended by Private Acts of 1919, Chapter 209, which raised the amount to \$3,500 per year.

7. Private Acts of 1913, Chapter 270, amended Acts of 1909, Chapter 355, which applied only to the county attorney, to authorize attorneys for the state in Shelby County to appoint one deputy to assist in the enforcement of the law and the carrying out of the duties of the office of attorney for the state. Private Acts of 1925, Chapter 429, amended this act to raise the deputy's salary to \$2,100 per year and these acts were repealed by Private Acts of 1927, Chapter 507.
8. Private Acts of 1917, Chapter 39, provided that \$1,200 per year could be appropriated from the county treasury for the office expenses of the district attorney general, if in the judgment of the board of county commissioners such appropriation was necessary and proper to assist the district attorney in law enforcement.
9. Private Acts of 1917, Chapter 448, authorized the district attorney in Shelby County to appoint a stenographer to render clerical assistance in connection with the business of that office, at an annual salary of \$1,200. This was amended by Private Acts of 1921, Chapter 322, to raise that salary to \$1,500 per year, payable monthly from county funds.
10. Private Acts of 1919, Chapter 224, authorized the county court to contribute to the salary of a detective appointed by the district attorney general, but the total contribution was not to exceed \$600 per annum. Private Acts of 1919, Chapter 278, was identical to Chapter 224.
11. Private Acts of 1925, Chapter 704, provided \$1,800 for the payment of clerical hire and other necessary expenses incurred for the district attorney general of Shelby County.
12. Private Acts of 1929, Chapter 531, provided for two more assistant attorneys general to be hired at an annual salary of \$2,700.
13. Private Acts of 1947, Chapter 518, was a comprehensive salary act setting the salaries of various county officials in Shelby County, including the additional compensation to be paid by Shelby County to the district attorney general, three assistant district attorneys general, one deputy district attorney general, and one criminal investigator for the district attorney's office.
14. Private Acts of 1951, Chapter 376, was the beginning of a series of private acts which set the additional salaries to be paid to the district attorney, members of his staff, and his office expenses, by the county of Shelby in addition to the compensation paid by the state.
15. Public Acts of 1951, Chapter 54, provided an executive assistant district attorney general, an additional assistant district attorney general, and additional criminal investigator, and a secretary to the district attorney general for the fifteenth judicial circuit and provided for their selection, compensation and duties.
16. Private Acts of 1953, Chapter 307, amended Private Acts of 1951, Chapter 376, by providing additional compensation, clerical and other incidental expenses to be paid to the district attorney general.

17. Public Acts of 1953, Chapter 100, amended Public Acts of 1951, Chapter 54, by increasing the salary of the assistant district attorney general to \$4,800 per annum and increasing the salary of the secretary to the district attorney general to \$3,600 per annum.
18. Private Acts of 1957, Chapter 278, amended Private Acts of 1951, Chapter 376, by setting the salary of the district attorney general \$5,000 per annum; the salary of the two assistant district attorneys general to \$2,700 per annum; the salary of the two assistant district attorneys general \$2,100; the salary of the two criminal investigators to \$900 per annum and in addition, the district attorney general was paid \$2,400 per annum for incidental expenses in his office.
19. Private Acts of 1957, Chapter 282, which raised the salary of the secretary to the district attorney general in Shelby County.
20. Private Acts of 1959, Chapter 96, created the position of three additional assistant district attorneys general and provided for one additional secretary in the district attorney's office. This was amended by Private Acts of 1961, Chapter 135, Private Acts of 1963, Chapter 241 and Private Acts of 1965, Chapter 121, all of which effected the salaries of the assistant district attorneys general and secretary.
21. Private Acts of 1959, Chapter 97, amended Private Acts of 1951, Chapter 376, by fixing the compensation of such assistants, deputies and investigators, and the amount of additional compensation, clerical and other incidental expenses to be paid to the district attorney general.
22. Private Acts of 1961, Chapter 133, amended Private Acts of 1951, Chapter 376, by fixing the compensation of such assistants, deputies and investigators, and the amount of additional compensation, clerical and other incidental expenses to be paid to the district attorney general.
23. Private Acts of 1961, Chapter 134, amended Public Acts of 1951, Chapter 54, by increasing the salary of the assistant attorney generals of Shelby County to \$8,500 per annum; the salary of the criminal investigator to \$8,000 and increasing the salary of the secretary to the district attorney general to \$4,200 per annum.
24. Private Acts of 1963, Chapter 241, amended Private Acts of 1959, Chapter 96, to fix the compensation of the assistants and secretary.
25. Public Acts of 1963, Chapter 322, provided for three additional criminal investigators and one additional secretary to the district attorney general for the fifteenth judicial circuit and provided for their selection, compensation and duties.
26. Public Acts of 1963, Chapter 341, amended Public Acts of 1951, Chapter 54, raising the salary of the secretary to the district attorney general of the fifteenth district, to \$4,600 per annum.

27. Private Acts of 1965, Chapter 153, provided for the appointment of one additional assistant attorney general, one additional criminal investigator, and one additional secretary to the district attorney general for the fifteenth judicial circuit, and provided for their compensation by Shelby County in addition to their salaries from the state.
28. Private Acts of 1965, Chapter 154, authorized the appointment of three additional assistant attorneys general for Shelby County and provided that Shelby County would pay them an additional \$2,200 per year in addition to the salary paid from the state treasury.
29. Public Acts of 1965, Chapter 270, amended Public Acts of 1963, Chapter 322, by increasing the salary of the criminal investigators to \$7,500 per annum and increasing the salary of the secretary to the district attorney general to \$4,000 per annum.
30. Private Acts of 1967-68, Chapter 130, reorganized and consolidated the salary and compensation schedule of the district attorney general in Shelby County. The district attorney was to receive \$5,000 per annum. In addition, this act set the salaries of the assistants, deputies, investigators and secretaries to the district attorney. Private Acts of 1969, Chapter 86, increased the salary of the district attorney to \$7,500 per annum and also increased the salary of the assistants, deputies, investigators and secretaries to the district attorney. Private Acts of 1970, Chapter 211, further amended Chapter 130, by providing that the salaries of the persons occupying the positions in the district attorneys office be authorized by an appropriate resolution or resolutions of the county court of Shelby County.
31. Private Acts of 1967-68, Chapter 198, provided an administrative assistant district attorney general and an additional secretary to the district attorney general for the fifteenth judicial circuit, and provided for their appointment, compensation and duties.
32. Public Acts of 1968, Chapter 487, provided that the duly appointed and acting criminal investigators of the district attorney general of the fifteenth judicial circuit shall have the same authority and power as deputies of the county sheriffs.
33. Public Acts of 1968, Chapter 580, set the salaries of secretaries to the district attorney in the fifteenth judicial circuit. This was amended by Public Acts of 1970, Chapter 400, and Public Acts of 1971, Chapter 64. Public Acts of 1973, Chapter 233, repealed of all these acts and set the salaries of the secretaries ranging from \$4,800 to \$4,200 per annum.
34. Public Acts of 1970, Chapter 603, created four additional assistant district attorneys general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
35. Public Acts of 1970, Chapter 604, created an additional secretary to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for the appointment, compensation and duties of said secretary.
36. Public Acts of 1971, Chapter 63, created one additional assistant district attorney general for the fifteenth judicial circuit of the state and provided for the appointment, compensation and duties of said assistant.

37. Private Acts of 1972, Chapter 349, created one additional assistant district attorney general, one additional criminal investigator, one additional secretary and one file clerk to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
38. Public Acts of 1973, Chapter 233, provided for the appointment and compensation of secretaries and file clerks to the district attorney general of the fifteenth judicial circuit.
39. Public Acts of 1974, Chapter 716, created three additional assistant district attorneys general and one additional secretary to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
40. Public Acts of 1974, Chapter 717, created two additional criminal investigators and one additional secretary to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
41. Public Acts of 1976, Chapter 734, created six additional assistant district attorneys general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties. This act was amended by Public Acts of 1978, Chapter 868, by providing that the remaining three assistant district attorneys general positions serve at Division VII of the criminal court of Shelby County.
42. Public Acts of 1976, Chapter 810, created three additional assistant district attorneys general for the district attorney general of the fifteenth judicial circuit and provided for their appointment, compensation and duties.

COURT SYSTEM

DIVORCE REFEREE

PRIVATE ACTS OF 1973

CHAPTER 161

SECTION 1. There is hereby created the office of Divorce Referee for each County of this State having a population of 600,000 or over by the Federal Census of 1970 or any subsequent Federal Census.

SECTION 2. Any lawyer licensed to practice before the Supreme Court of Tennessee, residing and being a qualified voter in the County for which he is elected, shall be eligible to hold the office of Divorce Referee. During his term of office neither the Divorce Referee nor his Deputies hereinafter provided for, shall appear for either party in any divorce suit filed in his County.

SECTION 3. It shall be the duty of the Divorce Referee to enter his written appearance in every divorce case in his County, which has the effect of putting the case at issue, whereupon the case shall be transferred or placed on the trial docket for hearing in its regular order, along with all the other cases of every nature, in the same way and manner as if an answer had been filed by the defendant, controverting the grounds for a divorce averred in the petition or bill, and the said Referee shall appear upon the trial of every divorce case in his County, whether the suit is contested by the defendant or not; and it shall be the duty of the Divorce Referee to acknowledge service upon him of a copy of every bill for divorce which acknowledgment of service shall be endorsed by him upon the original bill before the same is filed in any Court in his County and no bill for divorce shall be filed unless it bears such acknowledgment over the signature of the Divorce Referee with the date of service; but nothing herein shall be construed as dispensing with the necessity of the service of proper process upon the defendant as is required by existing laws.

Immediately upon the commencement of a suit for divorce, it shall be the duty of a Divorce Referee to investigate the charges made in the bill and he shall be prepared to advise the Court upon the hearing, as to the merits of the case. The Divorce Referee shall have the authority to designate other individuals to accept service of process in the Divorce Referee's name.

As amended by: Private Acts of 2005, Chapter 37.

SECTION 4. The Divorce Referee shall have power to cause witnesses, including the parties to the suit, to be subpoenaed to testify, respecting any charges made in the bill or the answer or upon any matter touching the material status of the parties, the performance or neglect, of any duty by either, to the end that justice may be done the parties and that society may be protected and the sanctity of the marriage relation preserved; and the Divorce Referee shall have the power and authority, upon the trial of the suit, to examine all witnesses; and is authorized and empowered, in his discretion, to perfect an appeal, appeal in the nature of a writ of error, or a writ or error from decree of any lower Court in a divorce case where, in the opinion of the Divorce Referee, the General

Welfare justifies and warrants his taking such appeals; and if the Divorce Referee should elect to perfect such an appeal, appeal in the nature of a writ of error, or writ of error, he may do so without being required to furnish an appeal bond.

SECTION 5. A Divorce Referee shall be elected by the County Court of each such County in this State, at the first regular term after the passage of this Act, and every four years thereafter. Before electing a Divorce Referee, the County Court of each County wherein such office is filled shall give each Judge in whose Court the Divorce Referee or any Deputy Divorce Referee may serve the privilege of making either an oral or a written statement expressing his views as to the ability and efficiency of any person who is a candidate for the office. The Divorce Referee elected shall serve for a term of four years from the date of his election and until his successor is elected. In the event of a vacancy in the office of Divorce Referee, the County Court at its next regular term shall fill the vacancy for the unexpired term of the office by the same procedure as the appointment of the original referee, and until such vacancy is filled, the Deputy Divorce Referee, hereinafter provided for, shall act as Divorce Referee.

SECTION 6. The County Court shall fix the compensation of the Divorce Referees and said compensation shall be payable in twelve monthly installments of equal amounts. A fee not to exceed Thirty Dollars (\$30.00), to be established by the County Court of each County wherein the office of Divorce Referee exists under the provisions of this Act, shall be collected by the Divorce Referee in each divorce filed in this County, which sum shall be taxed as part of the costs in each suit in addition to costs now provided by law; but each fee so collected shall be advanced in cash and paid to the Divorce Referee by the Complainant or Petitioner upon presentation of the bill or petition for divorce to the Divorce Referee for acknowledgment of service upon him, and no bill or petition for divorce shall be filed by any clerk of any Court to which same is presented for filing unless the receipt of the Divorce Referee for said fee is noted thereon in addition to his acknowledgment of service upon him of a copy of such bill or petition. All fees received by the Divorce Referee or his Deputy Divorce Referees shall be paid to the Trustee of the County and shall become a part of the general fund of said County.

As amended by: Private Acts of 1974, Chapter 362,
 Private Acts of 1983, Chapter 109.

SECTION 7. Each Divorce Referee shall have the power and authority to appoint Deputy Divorce Referees who shall have the power and authority to acknowledge service in the name of the Divorce Referee, by each of them as Deputy Divorce Referee of all bills for divorce, and in case of the absence from the County, or the disability, or at the request of the Divorce Referee, each of them shall have and exercise all the rights, powers and duties of such Divorce Referee. The Deputy Divorce Referees shall hold office at the will and pleasure of the Divorce Referee and their compensation shall be fixed and paid by the County Court and paid in twelve monthly installments of equal amounts from the general fund of said County. The County Court shall provide the Divorce Referee with an office, secretary, telephone, all necessary supplies and expenses to run the said office in the County Courthouse which shall be maintained during usual hours of business by the Divorce Referee or the Deputy Divorce Referee.

SECTION 8. The Divorce Referee shall be made a party defendant to all motions to amend a Complaint for Divorce to show a reconciliation of the parties, where there has been no order

obtained pursuant to T.C.A. 36-836; and no such amendment shall be allowed except by leave of Court and notice of such motion to the Divorce Referee.

SECTION 9. The Divorce Referee and each Deputy Divorce Referee, by appointment of each Circuit Judge and each Chancellor, shall have the power and the authority as Special Masters or Referees to hear all motions pendente lite in divorce cases filed in his County; and his order thereon, before it can be enforced, shall be approved by the Judge or Chancellor. The appeal from such order shall be by motion. Nothing herein, however, shall prevent the moving party from having his motion heard by the Judge or Chancellor. A fee of ten dollars (\$10.00) shall be collected by the Divorce Referee in each motion pendente lite in divorce cases filed in his county, and in each petition modify pervious orders or decrees referred to him; and a fee of one dollar (\$1.00) shall be collected by him for each continuance of such motion or petition, which fees shall be taxed as part of the costs in each suit in addition to the costs now provided by law; and each fee shall be taxed as court cost and paid with the other court costs as directed by the court.

As amended by: Private Acts of 1977, Chapter 123.

SECTION 10. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. All laws and parts of laws in conflict with the provisions of this Act, but only in so far as the same do conflict with the provisions of this Act; be and the same are hereby repealed.

SECTION 12. This Act shall have no effect unless approved by two-thirds vote of the Quarterly County Court of any County to which this Act may apply not more than 120 days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

Passed: May 3, 1973.

COURT SYSTEM

GENERAL SESSIONS COURT

CREATION

PRIVATE ACTS OF 1941

CHAPTER 123

SECTION 1. That there is hereby created and established a court in and for Shelby County, Tennessee, which shall be divided into four (4) divisions; one of which shall be designated Court of General Sessions, Division I, of Shelby County, Tennessee; another, Court of General Sessions, Division II, of Shelby County, Tennessee; another, Court of General Sessions, Division III, of Shelby County, Tennessee; and the other, Court of General Sessions, Division IV, of Shelby County, Tennessee. Said Court shall be opened and commence its sessions on September 1, 1942. The Court shall be held in Memphis, and Shelby County shall provide adequate facilities, and the Clerk shall provide dockets, furnishings and necessary supplies for the equipment and maintenance of said Court and pay for same out of the fees of his office.

As amended by: Private Acts of 1945, Chapter 423,
Private Acts of 1955, Chapter 168.

COMPILER'S NOTE: Private Acts of 1965, Chapter 145, which created Division V of the general sessions court of Shelby County, and Private Acts of 1967-68, Chapter 438, which created Division VI of that court are found in their entirety in this volume, immediately following this act.

SECTION 2. That the jurisdiction, powers and authority of said Court shall be co-extensive with Shelby County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Shelby County are hereby as of September 1, 1942, divested of all such jurisdiction, powers and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act.

The court shall have the jurisdiction to punish for contempt of the said court by a fine not to exceed twenty-five dollars (\$25) or by imprisonment not to exceed five (5) days for any one (1) separate and distinct offense of contempt by any one (1) offender, or by both such fine and imprisonment.

As amended by: Private Acts of 1976, Chapter 283.

SECTION 3. That before the issuance of any original process in a civil case, the plaintiff shall execute a cost bond with security deemed by the Clerk to be good, in the sum of Twenty-five Dollars (\$25.00), or in lieu thereof, make a cash deposit with the Clerk of not less than Two Dollars Fifty Cents (\$2.50), or more than Twenty-five Dollars (\$25.00), to secure the costs, or take the oath

prescribed for poor persons, and, on motion, the Court may increase or decrease the security; and provided further that the Court may establish a scale of deposits in the various forms of actions.

SECTION 4. That the laws now regulating pleading and practice, stay of appeals from judgments, attachments and all other writs and processes in civil cases in the courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the judges of said Court, provided, however, that all cases shall be set in said Court of General Sessions for an hour certain, and the practice heretofore prevailing of allowing one hour for the parties to appear in Courts of Justices of the Peace shall not apply in said Court of General Sessions.

As amended by: Private Acts of 1943, Chapter 25.

SECTION 5. That the judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

SECTION 6. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the sheriff, and all other officers, for the execution of writs and processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the courts of Justices of the Peace.

The fees and compensation due for services rendered by the Court shall be the same as for Justices of the Peace, and shall be paid to the Clerk, who shall collect all costs, fees and mileage of witnesses, the fees, commissions and emoluments of the sheriff and all other officers, for services to said Court, and the fines and forfeitures assessed, and said Clerk shall handle, account for, and disburse all sums coming into his hands in the manner provided by law for Civil and Criminal Court Clerks.

SECTION 7. That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant or process. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Division of the Court in which, and the Judge by whom, the case was disposed of. There shall be a direct and cross-index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who receives the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on the proper docket.

SECTION 8. That there shall be one (1) judge for each division of said Court with the same qualifications as provided by the constitution of the State of Tennessee for inferior courts; such judges shall take the same oath as that prescribed for Circuit Judges and Chancellors, and be elected and hold office as hereinafter provided.

SECTION 9. That the compensation of each of said judges shall be Twenty-Three Thousand Five Hundred Dollars (\$23,500.00) per annum, payable in equal monthly or semi-monthly installments. It shall be paid out of the ordinary funds of the County and shall not be increased or diminished during the term for which said Judges are elected. Said Judges shall devote their entire time to the duties of their office.

As amended by: Private Acts of 1949, Chapter 235,
Private Acts of 1953, Chapter 308,
Private Acts of 1957, Chapter 300,
Private Acts of 1965, Chapter 199,
Private Acts of 1972, Chapter 213.

SECTION 10. That the judges of the Court of General Sessions shall be elected at the General Election on the first Thursday of August, 1942, for a term of eight (8) years from the first day of September, 1942, and a subsequent General Elections every eight (8) years thereafter. They shall hold office for the term for which they are elected or until their successors are elected and qualified.

Provided, that if the business of the Court shall warrant, or the necessity arise, one or more divisions of the Court may be abolished or one or more divisions added at any regular or special session of the General Assembly of the State of Tennessee.

Any person who shall become a candidate for election as a judge of said Court of General Sessions at the General Election in August, 1942, or thereafter, shall designate to the Board of Election Commissioners of Shelby County the Division of the Court to which he seeks to be elected, and the candidate who shall receive the highest number of votes cast for Judge of that Division of the Court shall be declared the judge thereof.

SECTION 11. That if the judge of a division of said court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, and if the judge of any other division cannot sit by interchange, then a majority of the attorneys present in such court may elect one of their number, who has the qualifications of such a judge, and when elected shall have the same authority as a regular judge to hold the court for the occasion. Elections shall be held in accordance with the law governing the elections of other judges. The clerk of said court shall preside at said elections of such special judges. Such special judges shall not be entitled to compensation for their services.

SECTION 12. That the judges of the four divisions of said court may interchange with each other, and may by rule provide for the transfer of cases from one division to another.

The Governor shall have the same power to appoint some qualified person to fill vacancies among the judges of the General Sessions Court as he has for other judges.

SECTION 13. The office of Clerk of the Court of General Sessions of Shelby County is hereby created. The salary of said clerk shall be the same as that of the Clerk of the Circuit Court of Shelby County, payable in equal monthly installments. Vance Griffin, a citizen of Shelby County is hereby designated and appointed as Clerk of said Court of General Sessions, to serve from and after the first day of the month following the enactment hereof, at and after which time the Clerk of the Circuit Court of Shelby County shall no longer act as Clerk of the said Court of General Sessions.

The said Vance Griffin shall serve as such Clerk until the next general election held pursuant to law and until his successor is duly elected and qualified. At such election a Clerk of said Court of General Sessions shall be elected to serve until the general election to be held on the first Thursday in August, 1960, at which time and every four years thereafter a Clerk of said Court of General Sessions shall be elected for a term of 4 years. Such Deputy Clerks and assistants to the Clerk as may be necessary for the proper operation and administration of the duties of said office of Clerk of the Court of General Sessions shall be appointed and their compensation fixed in the same manner as is now provided by law for the appointment and the fixing of compensation of Deputy Circuit Court Clerks upon petition by the Clerk to a Judge of the Circuit Court.

The Clerk of said court and his Deputies assigned thereto shall have concurrent authority with the Judges to issue warrants and other process and writ except those which are required by law to be issued only upon the fiat of a judicial officer.

Whenever any person is charged with the violation of any of the laws of the State of Tennessee, he may in lieu of an appearance bond, deposit such sum, prescribed by the Judges or Court, with the Clerk of the Court of General Sessions of Shelby County, or, in his absence with the Sheriff of Shelby County, or any Deputy Sheriff on watch, and on the appearance of such person before the Judge of the Court of General Sessions handling the criminal docket at the time prescribed by law, such deposit shall be returned to him, on the failure of such person to appear at the time specified, the amount so deposited shall be forfeited, either to the State of Tennessee, or to the County of Shelby, as the case may be, and he shall not be entitled to the return of any part thereof, and no scire facias or other process, need be issued to make such forfeiture final; provided, however, that within two days of the declaration of the forfeiture the Judge of the Court of General Sessions handling such criminal docket shall have power to set such forfeiture aside, when it shall be made to appear, that the failure of the accused to appear, and defend his suit, was due to no fault, or negligence, of the accused. After the expiration of two days; the declaration of forfeiture shall be final, as hereinbefore provided for.

As amended by: Private Acts of 1957, Chapter 113,
Private Acts of 1957, Chapter 299,
Private Acts of 1965, Chapter 195,
Private Acts of 1967-68, Chapter 101.

SECTION 14. That the Sheriff of Shelby County shall provide necessary deputies to handle the business of the General Sessions Court, who shall receive such compensation as now provided by law.

The Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior courts.

SECTION 15. That this Act shall in no wise impair the right, title of interest of any Justice of the Peace of Shelby County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit on August 31, 1942.

SECTION 16. That on September 1, 1942, the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be distributed among the divisions of the Court.

SECTION 17. That said Court shall have authority to hear and determine all cases pending in the courts of Justices of the Peace of Shelby County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions and other final process on judgments rendered by Justices of the Peace.

SECTION 18. The Clerk of the Court of General Sessions shall collect, deposit and account for all fees accruing from the operation of said Court. The said Clerk shall make an official bond in accordance with the law now or hereafter applicable to the bond of the Circuit Court Clerk, which law is hereby made applicable to the Clerk of the Court of General Sessions. The said Clerk shall take the same oath as is required by law to be taken by the Circuit Court Clerk.

From the fees received by said Clerk he shall first pay the salaries of his deputies and assistants and the costs of the necessary dockets, printing, stationery and general expenses of his office, and shall pay the balance of fees so collected over to the County Trustee for the account of the Chairman of the County Court, out of which said Chairman shall pay the salaries of the Judges of the Court of General Sessions if there be sufficient funds. Said Clerk shall account for all money coming into his hands as is required of Clerks of Courts under the provisions of Section 8-2204 of the Tennessee Code Annotated, and if any funds remain out of said fees after payment of the Judges as required in this section, the same shall become general County revenue.

As amended by: Private Acts of 1943, Chapter 25,
Private Acts of 1957, Chapter 113.

SECTION 19. That the Legislature expressly declares that each section of this Act is severable, and should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 20. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 29, 1941.

COURT SYSTEM

GENERAL SESSIONS COURT

CREATION OF DIVISION V

PRIVATE ACTS OF 1965

CHAPTER 145

SECTION 1. That Chapter 123 of the Private Acts of 1941, the caption of which is set forth above, as amended, be and the same is hereby amended to created a Fifth Division of the General Sessions Court of Shelby County, Tennessee. The said Fifth Division shall have the same terms of Court, the same jurisdiction and powers as are now exercised by the other Divisions of the General Sessions Court of Shelby County, Tennessee.

SECTION 2. That the office of the Fifth General Sessions Court judge is hereby created which shall be filled by an appointee hereafter to be named until the election of the judge to fill such office as hereinafter provided, and said Fifth General Sessions Court judge to be so appointed or selected and his successors in office shall sit and hold court regularly in Division V thereof.

SECTION 3. That the Governor shall on or before September 1, 1965, appoint a person qualified under the law to fill the office hereby created of General Sessions Court Judge of Division V, who shall hold the office until September 1, 1966, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1966, a person qualified under the law shall be elected for a term of eight years from September 1, 1966, and until his successor is elected and qualifies. At each succeeding judicial election thereafter a judge for Division V shall be elected for eight year terms.

SECTION 4. That the judge of the Fifth Division of the General Sessions Court of Shelby County, Tennessee, shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as do the other General Sessions Court judges of Shelby County, Tennessee.

SECTION 5. That all rules and regulations necessary for the administration of the four divisions of General Sessions Court shall be enlarged to include Division V and the minutes of Division V shall be kept in the same manner as the minutes of the other Divisions and signed by the judge presiding therein.

SECTION 6. That the County Court of Shelby County, Tennessee shall furnish the necessary supplies for said Division and shall furnish a suitable and separate Court Room and the Sheriff of the County shall in person or by Deputy attend the Fifth Division when it is in session.

SECTION 7. That the office, powers and duties and responsibilities of the Clerk of the General Sessions Court shall be enlarged to include the work of Division V and the Clerk or his Deputy shall attend Division V when it is in session.

SECTION 8. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County, within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the Quarterly Court to the Secretary of State.

SECTION 9. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 17, 1965.

COURT SYSTEM

GENERAL SESSIONS COURT

CREATION OF DIVISION VI

PRIVATE ACTS OF 1967-68

CHAPTER 438

SECTION 1. That Chapter 123 of the Private Acts of 1941, the caption of which is set forth above, and all Acts amendatory thereof and supplementary thereto be, and the same are hereby amended to create a Sixth Division of the General Sessions Court of Shelby County, Tennessee. The said Sixth Division shall have the same terms of Court, the same jurisdiction and powers as are now exercised by the other Divisions of the General Sessions Court of Shelby County, Tennessee.

SECTION 2. That the office of the Sixth General Sessions Court Judge is hereby created which shall be filled by election as hereinafter provided, and said Sixth General Sessions Court Judge to be so elected and his successors in office shall sit and hold Court regularly in Division VI thereof.

SECTION 3. That in the next regular election of County Officer in the State to be held in August, 1968, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1974, and until his successor is qualified. Beginning with the regular election of County Officers in the State to be held in August, 1974, and from that election forward, a person qualified under the law shall be elected for the same term of office as are other General Sessions Judges of Shelby County, Tennessee.

SECTION 4. That the Judge of the Sixth Division of the General Sessions Court of Shelby County, Tennessee, shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as do the other General Sessions Court Judges of Shelby County, Tennessee.

SECTION 5. That all rules and regulations necessary for the administration of the five divisions of General Sessions Court shall be enlarged to include Division VI, and the minutes of Division VI shall be kept in the same manner as the minutes of the other Divisions and signed by the Judge presiding therein.

SECTION 6. That the County Court of Shelby County, Tennessee, shall furnish the necessary supplies for said Division and shall furnish a suitable and separate Courtroom and the Sheriff of the County shall in person or by Deputy attend the Sixth Division when it is in session.

SECTION 7. That the office, powers and duties and responsibilities of the Clerk of the General Sessions Court shall be enlarged to include the work of Division VI, and the Clerk or his Deputy shall attend Division VI when it is in session.

SECTION 8. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 9. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1968.

COURT SYSTEM

GENERAL SESSIONS COURT

CREATION DIVISIONS VII - XII

PUBLIC ACTS OF 1982

CHAPTER 772

SECTION 1. This act is local in effect and becomes effective in a particular county upon approval by a two-thirds vote of the County Board of Commissioners or other legislative body of any county approving this act.

SECTION 2. Effective September 1, 1982 there is hereby created and established six (6) additional divisions to the General Sessions Court of any county to which this act applies to be designated as Division VII, Division VIII, Division IX, Division X, Division XI, and Division XII, respectively. Such divisions shall hold court in the county seat and the county shall defray the expenses thereof from the general fund of such county.

There is created an additional division to the general sessions court of any county to which this act applies. The additional division shall have the same terms of court, the jurisdiction and powers as are now exercised by General Sessions Court of Shelby County, and in addition shall have the exclusive jurisdiction to hear and decide cases involving alleged violations of county ordinances, including alleged violations of environmental ordinances. The court shall hereinafter be referred to as the county's environmental court. The additional division shall hold court in the county seat and the county shall defray the expenses thereof from the county general fund.

The office, powers, duties and responsibilities of the clerk of the general sessions court shall be enlarged to include the work of the additional division, and the clerk, or his designee, shall attend the additional division when it is in session.

The District Attorney General of the 30th Judicial Circuit is hereby granted the power and authority to appoint a sufficient number of assistants to serve at the will and pleasure of such district attorney general in order to serve the additional division of the general sessions court of the county. Compensation of such assistants shall be determined by the mayor of the county with the approval of the county board of commissioners. Compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the county board of commissioners.

There is created an additional division to the General Sessions Court of any county to which this act applies. The additional division shall have the same terms of court, the jurisdiction and powers as are now exercised by the General Sessions Court of Shelby County. The additional division shall hold court in the county seat and the county shall defray the expenses thereof from the county general fund.

The General Sessions Criminal Court judges shall, by majority vote, designate one (1) division of the court as a drug court for the primary purpose of monitoring treatment of drug and alcohol abusers. Any misdemeanors involving illegal possession of drugs or drug paraphernalia may be assigned to the designated drug court along with related misdemeanors involving the same defendant. Those defendants charged with felony drug offenses shall have their General Sessions Court appearances in the designated drug court.

On recommendation of the District Attorney General, any defendant charged with any such misdemeanor that does not involve violence or physical injury to a victim or victims may be referred for evaluation and assessment of drug and alcohol abuse. If the evaluation indicates drug or alcohol abuse and defendant is assessed to be a good candidate for treatment for drug and alcohol abuse, the judge of the designated drug court may assign the defendant to a treatment program.

Drug or alcohol abuse is defined as use of a controlled substance, alcohol or drug with addictive potential to the extent that the user has lost the ability of self-control or to the extent that the health, safety or welfare of the user or that of others is substantially impaired or endangered.

The office, powers, duties, and responsibilities of the clerk of the General Sessions Court shall be enlarged to include the work of the additional division, and the clerk, or his designee, shall attend the additional division when it is in session.

The District Attorney General shall appoint three (3) assistants to serve the additional division of the General Sessions Court and the cost of such positions shall be paid solely from local funds. No state funds shall be expended to fund such positions or related expenses. Such assistants shall serve at the pleasure of the District Attorney General. There shall be no increase in the amount of the state grant for public defenders to implement the provisions of this act. Compensation of such assistants shall be determined by the mayor of the county with the approval of the County Board of Commissioners. Compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the County Board of Commissioners.

As amended by: Public Acts of 1991, Chapter 426,
 Public Acts of 1999, Chapter 365.

SECTION 3. (a) The General Sessions Court divisions created by this act shall be criminal divisions and shall have the same jurisdiction, powers and authority exercised by the present divisions of the County General Sessions Court in criminal cases. Such jurisdiction, powers and authority shall vest in such additional divisions on September 1, 1982.

(b) The presiding or senior judge of the Criminal Courts in any county to which this act applies, shall, whenever the criminal caseload in such county warrants, or whenever a majority of the judges hearing criminal cases in such county petitions him to do so, designate division of the General Sessions Court hearing civil cases to hear criminal cases until the caseload is sufficiently reduced.

(c) The Executive Secretary of the Tennessee Supreme Court shall, upon the request of the County Commission of any county to which this act applies, temporarily assign one (1) or more General Sessions Court Judge assigned to the criminal division to sit as Judge of a Special Division of the Criminal Court of any county to which this act applies. When so sitting as Judge of a Special

Division of Criminal Court, such judge shall have the same jurisdiction, powers, and authority as a Criminal Court Judge in such county.

SECTION 4. For the effectual exercise of its power, the General Sessions Court is vested with the same power to punish for contempt as possessed by the Circuit Courts of the State of Tennessee.

SECTION 5. The right of appeal from the judgment of such court shall be the same as provided by law for persons aggrieved by the judgment rendered in a criminal action by a Court of General Sessions.

SECTION 6. The judges of all divisions of such court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. In all matters the costs and fees of the additional divisions of the General Sessions Court shall be the same as is currently provided for the General Sessions Court in such county.

The fees and other compensation of the sheriff, his deputies, game wardens, and state highway patrolmen for the execution of writs and process and the attendance and mileage of witnesses shall be the same in such court as those provided by law for the Courts of General Sessions.

The fees and compensation due for services rendered by the General Sessions Court shall be paid to the clerk of such court and by him accounted for as hereinafter provided. Such costs, fees, and a mileage of witnesses, the fees, commissions and emoluments of the sheriff, his deputies, game wardens, state highway patrolmen and other officers for services to the court, the fines, and forfeitures adjudged by the court, and all other funds coming into the hands of the clerk, shall be handled, accounted for, and disbursed by the clerk in the manner provided by law for clerks of courts of general sessions.

SECTION 7. There shall be kept a criminal docket in which there shall be entered the disposition of all cases disposed of by the General Sessions Court, which docket shall show the date of disposition, the case number, the name of the defendant, the charge against him, and the disposition of the case.

SECTION 8. Effective September 1, 1982 the offices of General Sessions Court Judge of Division VII, VIII, IX, X, XI and XII, respectively, are created. For the purpose of qualifying and running for election to such offices at the August 1982 general election, such offices are created upon approval of this act by the county legislative body of any county to which it applies.

There shall be one (1) judge for each division of the General Sessions Court with the same qualifications and term of office as provided by the Constitution of Tennessee for judges of inferior courts.

The office of general sessions judge of the additional division is created. The first judge of the additional division of the general sessions court of any county to which this act applies shall be elected by the board of commissioners of the county. In the regular August 1992 election some person, qualified by law, shall be elected judge of the additional division, shall take office on September 1, 1992, and shall hold office until September 1, 1998. At the regular August election

in 1998 some person, qualified by law, shall be elected judge of additional division for a full term of eight (8) years and thereafter the office shall be filled at the same time, for the same term, and in the same manner as the other divisions of the general sessions court of the county. The judge of such additional division shall exercise all of the powers and receive the same compensation as do the other general sessions judges of the county. In addition to other powers granted herein, the judge of the additional division is hereby granted the power to issue injunctions, both mandatory and prohibitory, such power to be exercised as provided for in Rule 65 of the Tennessee Rules of Civil Procedure and is hereby empowered to order any defendant found guilty of violating any ordinance relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. The judge of the additional division shall devote all of this working time to the duties of his office and shall not engage in the practice of law during the tenure of his office. In all cases involving the alleged violation of any ordinance relating to health, housing, fire, land subdivision, building or zoning, the judge of the additional division shall have the power to appoint masters in aid of the Court. The appointment, powers and duties of such master shall be as set forth in Rule 53 of the Tennessee Rules of Civil Procedure.

The judge of the additional division shall have the power to punish any person for contempt who, having been ordered to correct a violation of any county ordinance relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by such court order. The punishment for contempt in each such case is limited to a fine of fifty dollars (\$50.00) and imprisonment not exceeding five (5) days for each such violation.

Notwithstanding any provision of law to the contrary, the judge of such additional division of the county general sessions court shall have the jurisdiction to try and dispose of violations of municipal ordinances pursuant to the terms of an intergovernmental agreement between the city government and the county government; provided, that a certified copy of all ordinances of the city to be enforced pursuant to such intergovernmental agreement shall have been filed with the judge of the division. The judge shall direct the clerk of the general sessions court that all fines collected pursuant to judgments rendered in cases of city ordinance violations shall be paid over to the city and all court costs provisions of Tennessee Code Annotated, Section 16-15-703(d), to help administer the cost of enforcement, provided that reasonable costs have been set by ordinance of the city.

When court convenes each morning, the prosecuting attorney shall announce to the court the cases in which the defendant wishes to enter a guilty plea. The cases of all defendants who wish to enter a guilty plea, whether pursuant to a plea agreement or otherwise, shall be immediately transferred to the two (2) divisions reserved to accept guilty pleas on that day. All other cases shall remain in their respective assigned divisions for disposition unless transferred for trial to another available division of court.

When court convenes each morning, the prosecuting attorney shall announce to the court the cases in which the defendant wishes to enter a guilty plea. The cases of all defendants who wish to enter a guilty plea, whether pursuant to a plea agreement or otherwise, shall be immediately transferred to the two (2) divisions reserved to accept guilty pleas on that day. All other cases shall remain in their respective assigned divisions for disposition unless transferred for trial to another available division of court.

If any division assigned to accept guilty pleas completes the disposition of all such cases transferred to it, such division shall then commence to accept and hear contested cases from the other divisions.

In addition to the qualifications prescribed above, all such judges of the General Sessions Court shall be learned in the law, which shall be evidenced by the judge being licensed to practice law in the courts of Tennessee.

The oath of office shall be the same as that prescribed for circuit judges and chancellors and shall be taken and filed in the same manner and with the same officers as prescribed for circuit judges and chancellors.

Each judge of the General Sessions Court shall devote all of his working time to the duties of his office and shall not engage in the practice of law during his tenure of office.

The office of General Sessions Judge of the additional division is created. The first judge of the additional division of the General Sessions Court of any county to which this act applies shall be elected by the Board of Commissioners of the county. At the regular August election in 2000, some person, qualified by law, shall be elected judge of the additional division, shall take office on September 1, 2000, and shall hold office until September 1, 2006. Notwithstanding the provisions of any law to the contrary, the person elected by the board of commissioners of the county to serve as interim judge of such additional division shall be ineligible to seek election to the office of general sessions judge of such additional division at the regular August election in 2000. At the regular August election in 2006, some person, qualified by law, shall be elected judge of the additional division for a full term of eight (8) years and thereafter the office shall be filled at the same time, for the same term, and in the same manner as the other divisions of the General Sessions Court of the county. The judge of such additional division shall exercise all of the powers and receive the same compensation as do the other General Sessions Judges of the county. The judge of the additional division shall devote all of his working time to the duties of his office and shall not engage in the practice of law during the tenure of his office.

As amended by: Public Acts of 1983, Chapter 34,
Public Acts of 1983, Chapter 120,
Public Acts of 1991, Chapter 426,
Public Acts of 1999, Chapter 365.

SECTION 9. The compensation of such judges shall be the same as that provided by law for judges of the Courts of General Sessions of any county having a metropolitan form of government and shall be paid in equal monthly installments out of the general fund of the county.

SECTION 10. (a) If the judge of any division of such court fails to attend, cannot preside at any pending case or for any reason hold court, a majority of the lawyers present in such court may elect one of their number who has the qualifications of such a judge and when elected shall take the same oath and have the same authority to hold the court for the occasion as a regular judge.

(b) Where the judge finds it necessary to be absent from holding court, he may designate in writing, to be filed with the clerk of the court, the name of a special judge to hold court in his place and stead. Such special judge shall be a person who has the qualifications of a regular judge and

shall take the same oath and have the same authority to hold office for the occasion as a regular judge. If the judge fails to make such a designation, subsection (a) of this section shall become operative.

SECTION 11. The judges of the divisions of such court may interchange with each other, and may by rule provide for the transfer of cases from one division to another.

Any General Sessions Judge assigned to hear criminal cases may, during the term of such assignment and by agreement of the respective judges, sit by interchange with any criminal court judge of the counties to which this act applies.

SECTION 12. The county shall furnish the necessary supplies for the General Sessions Court and shall furnish each division of such court with a suitable and separate courtroom. The sheriff of the county shall in person or by deputies attend all divisions of the General Sessions Court.

SECTION 13. Such deputy clerks and assistants to the clerk as may be necessary for the proper operation and administration of the duties of the office of clerk of the General Sessions Court shall be appointed and their compensation fixed in the same manner as is now provided by law for the appointment of and fixing of compensation for deputy criminal court clerks upon petition by the clerk to a judge of the circuit court.

SECTION 14. The sheriff shall designate a sufficient number of court officers to wait on the additional divisions of the General Sessions Court at all times it is in session.

SECTION 15. The District Attorney General of the judicial circuit within a county to which this act applies is hereby granted the power and authority to appoint a sufficient number of assistants to serve at the will and pleasure of such District Attorney General in order to serve such additional divisions of the General Sessions Court.

The compensation of such assistants shall be determined by the county executive with the approval of the legislative body of such county.

The compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the legislative body of such county.

SECTION 16. Any judge of any court created by this act who fails to abide by the provisions of this act shall be guilty of a misdemeanor in office and punished accordingly.

SECTION 17. The provisions of this act shall be applicable to counties having a population of six hundred thousand (600,000) or more according to the 1970 federal census or any subsequent federal census.

SECTION 18. [Deleted by Public Acts of 1983, Chapter 36].

SECTION 19. Nothing in this act shall be construed to authorize or permit the expenditure of state funds for the courts or personnel authorized by this act.

SECTION 20. Notwithstanding any other provisions of law or private acts to the contrary, the method of adjusting the base salary of a General Sessions Judge shall be established by Tennessee Code Annotated, Section 8-23-103, and shall be the exclusive method by which such salary is adjusted during such judge's term of office and this section shall be construed as repealing any other method of adjusting General Sessions Judges salaries provided by general law or private act.

SECTION 21. The additional division of General Sessions Court created by Section 2 of this act and the additional General Sessions Judge established by Section 8 of Chapter 772, as amended, shall expire on September 1, 2006, unless affirmatively extended for a period of time by a two-thirds (2/3) vote of the County Legislative Body. Upon any expiration, the General Sessions Criminal Court Judges shall no longer be required to designate one (1) division as a drug court as required by this act.

As amended by: Public Acts of 1999, Chapter 365.

SECTION 22. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 23. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 8, 1982.

The Secretary of State advises that this Act was locally approved as required on May 3, 1982.

COURT SYSTEM

GENERAL SESSIONS COURT

DRIVER'S LICENSE IN LIEU OF BAIL

PRIVATE ACTS OF 1974

CHAPTER 304

SECTION 1. In all counties having a population of 600,000 or more according to the Federal Census of 1970 or any subsequent federal census, any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the department of safety, who is issued a citation or arrested and charged with a violation of any state statute regulating traffic, except those statutes the violation of which calls for a mandatory revocation of driver's license for any period of time, may, at the option of the person so charged, deposit his chauffeur's or operator's license issued under Chapter 59 of Tennessee Code Annotated with any arresting officer or General Sessions Court demanding bail in lieu of any other security required for his appearance in said General Sessions Court of the county in answer to any such charge before said court.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County within one hundred twenty (120) days after its effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 18, 1974.

COURT SYSTEM

GENERAL SESSIONS COURT

ENVIRONMENTAL COURT

PUBLIC ACTS OF 2003

CHAPTER 182

SECTION 1. Chapter 426 of the Public Acts of 1991 is amended by deleting the last sentence of the second paragraph of Section 3 and replacing it with the following language:

The punishment for contempt in each such case is limited to a fine of fifty dollars (\$50.00) and imprisonment not exceeding ten (10) days for each such violation.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 8, 2003.

COMPILER'S NOTE: This is a "Special" public act and is not codified in Tennessee Code Annotated.

COURT SYSTEM

GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The salary of the general sessions judge is governed by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. § 8-24-102.

The following act once affected the general sessions court of Shelby County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1978, Chapter 199, would have amended Private Acts of 1941, Chapter 123, by creating a seventh division of the Shelby County General Sessions Court, but this act was rejected by local officials and never became law.

COURT SYSTEM

TALL TREES YOUTH GUIDANCE SCHOOL

PUBLIC ACTS OF 1965

CHAPTER 282

COMPILER'S NOTE: Although this is a public act rather than a private one its provisions have special effect and are not found in Tennessee Code Annotated.

SECTION 1. That whenever a male child between the ages of 12 and 18 within the jurisdiction of the Juvenile Court has been declared delinquent by a Juvenile Court of Memphis or Shelby County, Tennessee, and committed to the State Department of Correction and after such child has been processed by the Tennessee State Department of Correction, and it has been determined by said Department of Correction that the proper place of confinement for said child is TALL TREES, Youth Guidance School, in Memphis, Shelby County, Tennessee, said Department of Correction is hereby authorized to transfer said child to said TALL TREES, Youth Guidance School, for continued rehabilitation.

SECTION 2. That no such child found by the Department of Correction to be psychotic, mentally retarded, sexually deviant, epileptic, or to have a social disease, or physically disabled to the extent that he would not adjust to the normal routine of said TALL TREES may be transferred to the TALL TREES facility.

SECTION 3. That the discharge of any such child transferred to the TALL TREES facility as provided herein, when such child has been committed for an indefinite period of time, shall be accomplished by the recommendation for the discharge of such child by the State Department of Corrections who would then make a formal recommendation to the committing court that the child's adjustment is satisfactory and such child should be discharged.

SECTION 4. That when any such child is transferred by the State Department of Correction to the TALL TREES facility as herein provided, the State of Tennessee, either from the budgetary funds of the said Department of Correction or from a miscellaneous appropriation of the General Assembly, shall pay to the TALL TREES facility a per diem allowance for each such child so transferred for the period of time each such child is confined to said TALL TREES facility, said per diem allowance to be determined by agreement between said Department of Correction and said TALL TREES facility.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1965.

COURT SYSTEM

JUVENILE COURT

CREATION

PRIVATE ACTS OF 1967-68

CHAPTER 219

SECTION 1. That there is hereby created and established in and for the City of Memphis and County of Shelby, Tennessee, a Court with the title and style of Juvenile Court of Memphis and Shelby County, Tennessee. Such Court shall be a Court of Record, presided over by a judge who shall have the qualifications hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Memphis and Shelby County and shall devote his full time to the duties of such office of Judge, and shall have no other professional activity; and there is hereby created the Office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said Court, shall have the power and authority to administer oaths and affirmations whenever the same are required by law in connection with any case, procedure, process or otherwise in such Court.

SECTION 2. That when used in this Act, unless the context otherwise requires,

- (a) "The Court" shall mean the Juvenile Court of Memphis and Shelby County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said City and County.
- (c) "The Clerk" shall mean the Clerk of the Juvenile Court of said City and County, or Deputy Clerk.
- (d) "Child" shall mean any person who is under the age of eighteen years.
- (e) "Adult" shall mean a person who is eighteen years of age or older.
- (f) "City and County" shall mean City of Memphis and County of Shelby, in the State of Tennessee.
- (g) "Peace Officer" shall mean the Sheriff of Shelby County or any of his Deputies, any Constable of said County, and any Police Officer of said County or of any municipal corporation in said County.
- (h) The singular shall include the plural, the plural the singular, and the masculine the feminine when not inconsistent with the intent of the Act.

SECTION 3. That it is the purpose of this act to give such Juvenile Court all the jurisdiction of a Juvenile Court in Shelby county as contemplated by the laws of Tennessee, and the Court shall have all the jurisdiction, powers, and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Title 37 of the Tennessee Code Annotated and any other general laws of the State of Tennessee now in force and effect, or hereinafter to become of force and effect.

SECTION 4. That nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal, Probate or Chancery Court, of any right by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such courts.

SECTION 5. That whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institution as is fitted to care for such cases wherein the Court is authorized to do so by provisions of the general laws, or to such institution otherwise made available to the Court through arrangements with the County or State authorities; and where no such institution is made available to the Court, the Judge shall certify the facts and the needs of the child to a Court of competent jurisdiction, and said Judge shall take such action as appears in his opinion is for the best interest of said child.

SECTION 6. That the person who holds the position of Judge of the Memphis Municipal Juvenile Court at the time that this Act shall become operative by virtue of compliance with the provisions set out herein with respect to Section 29, such person shall become the Judge of the Juvenile Court of Memphis and Shelby County and shall serve until September 1, 1968, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1968, a person duly qualified shall be elected to serve until September 1, 1974, and until his successor qualifies. Beginning with the regular election of County Officers in the State to be held in August, 1974, and from that election date forward, a person properly qualified shall be elected for a term of eight (8) years as will all other judges of the State and until his successor is qualified and elected. The Judge of said Juvenile Court shall receive a salary the same as that of Chancellors and Circuit Judges of Shelby County, to be paid by the County of Shelby.

The Judge of said Juvenile Court shall receive a salary the same as that of Chancellors and Circuit Judges of Shelby County, to be paid by the County of Shelby. Said Judge shall not be less than thirty (30) years of age, and a resident of the State of Tennessee for at least five (5) years and of Shelby County for not less than one (1) year, and shall have the same qualifications as do the Circuit and Chancery Court Judges of Shelby County, Tennessee, as prescribed by law; provided that this provision shall not apply now or hereafter to the person who at the time this Act shall become operative by virtue of compliance with Section 29 herein holds the office of Judge of the Memphis Municipal Juvenile Court. Said Judge shall take and subscribe to the same oath of office as that prescribed for all judges in the State of the Circuit and Chancery Courts.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the administration of the Juvenile Court, to fix the times and places at which all person in the jurisdiction of the said Juvenile Court shall have their causes set for trial.

In the event the Office of Judge of the Juvenile Court shall become vacant by reason of death, resignation, retirement, or other cause before the expiration of the term of the Judge, the vacancy shall be filled as prescribed by the laws of the State of Tennessee.

As amended by: Private Acts of 1971, Chapter 187,
Private Acts of 1973, Chapter 83.

SECTION 7. That all monies derived from fees, fines and costs assessed by the Judge and all fees and costs collected by the Clerk shall be paid monthly to the County or to the County and the City of Memphis in accordance with the contract between the said governments regarding same.

SECTION 8. That the Clerk of the Court shall, under the supervision of the Judge, keep all the records of the Court, and shall have all the duties, authorities, and obligations as provided by Sections 18-102, through and including 18-124, of the Tennessee Code Annotated as applicable to the office. Said clerk shall give a surety bond in the amount of Ten Thousand Dollars (\$10,000.00) for the faithful performance of his duties.

SECTION 9. That the Clerk of the Court shall be allowed to demand and receive those fees for services as prescribed and set out in Chapter 21, Title 8, Tennessee Code Annotated, as amended and to be amended from time and time.

SECTION 10. That the Clerk of the Court shall be appointed by the Quarterly County Court of Shelby County. Said appointment shall be for a term of two (2) years from the date of appointment and until his successor qualifies. The salary per annum of the Clerk shall be set by the Quarterly County Court payable monthly or semi-monthly in equal installments by the County of Shelby.

SECTION 11. That the salaries and compensation of the Judge, Clerk, officers and personnel of the Juvenile Court shall be under the Chairman of the Shelby County Quarterly Court. Said salaries and compensation shall be paid by warrant or warrants drawn upon the County Trustee.

The Chairman of the Quarterly Court may draw one warrant upon the County Trustee for the sum total of their payroll for any payroll period, payable to a Paymaster or the person delegated to perform such duty and properly bonded, and may delegate to such person the duty of issuing individual payroll checks to the Judge, Clerk, officers and personnel of the Juvenile Court.

In addition to the salaries and compensation herein provided, the County shall be authorized to pay the following:

(a) Any portion of the premiums, in excess of the amount required to be paid by the said Judge, Clerk, officers and personnel, in connection with any policy of group life insurance carried by the County for the benefit of and insuring the lives of said Judge, Clerk, officers and personnel.

(b) Any portion of the premium in excess of the amount required to be paid by the Judge, Clerk, officers and personnel in connection with any hospitalization insurance carried by the County for the benefit of County employees.

(c) Any contribution required to be made by the County in behalf of the Judge, Clerk, officers and personnel in connection with any retirement plan which may be adopted by the County for the benefit of its officers and employees.

SECTION 12. That all purchases and expenses of the Memphis and Shelby County Juvenile Court shall be made and paid by the Chairman of the Quarterly County Court; provided, that notwithstanding the foregoing provision in regard to the payroll, purchases and expenses, the Quarterly Court may, by appropriate resolution, delegate the duties of administration of the payroll, purchases and payment of all expenses to the Shelby County Board of Commissioners.

SECTION 13. That the Sheriff of Shelby County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the Court.

SECTION 14. That the Quarterly County Court shall, pursuant to the law and regulations applicable to employees of Shelby County, appoint a Chief Probation Officer upon recommendation of the Judge, but such recommendation shall not be binding upon the Quarterly County Court. Said Chief Probation Officer shall serve at the will and pleasure of the Quarterly County Court, and the salary of the Chief Probation Officer shall be paid by the County of Shelby and fixed by the Quarterly County Court upon recommendation of the Judge.

SECTION 15. That the Judge shall appoint and designate, pursuant to the law and regulations of Shelby County, all other personnel, including a Director of Court Services, as may be necessary to carry on efficiently the business of said Juvenile Court within the limit of the total appropriation therefor for each fiscal year. The Judge, not later than April each year; shall submit a schedule by job classification, and such schedule may be approved by the Quarterly County Court in their discretion notwithstanding that same may be within the total appropriation of the approved budget.

All personnel and employees of the Memphis Juvenile Court and so holding positions at the time this Act shall become operative by virtue of compliance with Section 29 herein, if and when appointed to fill positions with the Court herein created, shall be so designated and accorded full status as a County employee with all rights and privileges accruing thereto.

SECTION 16. That the Quarterly County Court of Shelby County shall provide adequate quarters to meet the needs for care of children in custody of the Court pending an investigation or hearing and disposition of their cases. Such facilities, together with any and all other facilities that may be provided or afforded for the detention, care or custody of children, shall be under the supervision of the Court. The Court may also arrange with any licensed institution, agency, or the State Department of Public Welfare to receive for temporary care and custody children within the jurisdiction of the Court.

SECTION 17. That in proceedings under this Act court costs or witness fees may be taxed against any party to a proceeding, or against the County, where so provided by law, within the judicial discretion of the Judge; the same to be paid from the appropriation provided when certified by the Judge.

SECTION 18. That the Judge of the Court shall present to the Quarterly County Court of Shelby County, on or before April of each year, a proposed budget for the operation of the Court for

the next fiscal year in accordance with the law, practice, rules and procedure of said Quarterly County Court. The Quarterly County Court shall have the duty and responsibility of studying the proposed budget and appropriating funds in such amounts as it deems sufficient for the efficient operation of said Court, within the intent and purpose of this Act.

SECTION 19. That the Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

SECTION 20. That there is hereby created a Second Division of the Court. The Judge of said Division shall be subject to all of the provisions of this Act in the same manner as is the Judge provided for in this Act. The Judgeship of said Second Division shall remain vacant until the Quarterly County Court of Shelby County shall determine the need therefore and by resolution set a date for the election or appointment of said Judge. The Judge of the Second Division shall be learned in the law and licensed to practice law in this State.

SECTION 21. That this Act shall be construed as remedial in character and shall be liberally construed to an end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will be conducive in the child's welfare and the best interest of the State, and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which should have been given by them.

SECTION 22. That all prior Acts governing the organization, jurisdiction and management of the Memphis Municipal Juvenile Court and the present Probate Court of Shelby County, Tennessee, as its jurisdiction applies to Juvenile Court matters, which are not in conflict with this Act, shall remain in full force and effect, and that all Acts in conflict with this Act be and the same are hereby repealed.

SECTION 23. That all unfinished and pending matters at the close of business of the present City and County Juvenile Courts on the day preceding the date that this Act shall become operative by virtue of compliance with Section 28 hereof, shall be transferred to the Juvenile Court of Memphis and Shelby County, Tennessee, and the judges of the respective City and County Juvenile Courts, in that event, shall forthwith deliver over all official books and papers pertaining thereto in accordance with the law.

SECTION 24. That the County of Shelby shall enter into a contract of agreement with the City of Memphis providing such terms and conditions therein as the parties deem best for the joint financial support, operation and maintenance of the Memphis and Shelby County Juvenile Court.

SECTION 25. That the County of Shelby may enter into contractual agreements with other municipalities located within Shelby County for the joint financial support, operation and maintenance of said Juvenile Court.

SECTION 26. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 27. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 28. That the provisions of this Act shall not be operative unless or until the proper authorities of the governing body of the City of Memphis by ordinance abolished or suspend the Juvenile Court System of the City of Memphis as authorized by an amendment to the Home Rule Charter of that City pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee, approved heretofore by the voters of the City of Memphis in a General Election held on November 8, 1966. Said ordinance shall only be adopted after approval and execution of the contract referred to in Section 24 hereof by all necessary officials of the City of Memphis and County of Shelby.

SECTION 29. That this Act shall take effect from and after this passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 27 above and as otherwise provided in the Act.

Passed: May 26, 1967.

COURT SYSTEM

JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a case, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

The following acts once affecting juvenile courts in Shelby County are included herein for reference purposes.

1. Public Acts of 1895, Chapter 60, established and provided for a system of reformatory institutions for youthful persons throughout the state. This act was amended by Private Acts of 1917, Chapter 484, by providing that in Shelby County a child between the ages of nine and seventeen years could be committed to a reformatory; and this act gave the chairman of the county court the power to commit a child upon recommendation of the juvenile court judge. This act was further amended by Public Acts of 1935 (Ex. Sess.), Chapter 12, by allowing counties to abolish the reformatory institutions and the board of trustees thereof and to provide for the disposition of any property owned by the reformatory institution and the disposition of any inmates thereof, and the payment of their maintenance.
2. Acts of 1907, Chapter 110, amended the "Tennessee Juvenile Court Law" found in the Acts of 1905, Chapter 516, to make it applicable to counties with a population of over 100,000 according to the Federal Census of 1900.
3. Acts of 1909, Chapter 474, amended the "Tennessee Juvenile Court Law" found in Acts of 1905, Chapter 516, to make it applicable only to Shelby County. This act conferred jurisdiction on the city court of Memphis to hear juvenile cases, with the city court judge to

be the judge of the juvenile court, with the power of commitment. Under the provisions of this act, five Memphis policemen would serve as probation officers.

4. Private Acts of 1913, Chapter 29, amended general law on juvenile reformatories to provide that in Shelby County such institutions would be under the control and management of a board of five trustees.
5. Private Acts of 1917, Chapter 294, amended the general law on juvenile courts, Public Acts of 1911, Chapter 58, by providing that the juvenile judge in Shelby County was to be elected by the city commissioners of the county seat of Shelby County, upon nomination of the mayor.
6. Private Acts of 1919, Chapter 752, further amended Public Acts of 1911, Chapter 58, to provide that the salary of the judge of the juvenile court would be fixed by the city government of the county seat of Shelby County, provided that it did not exceed \$200 per month.
7. Private Acts of 1939, Chapter 530, amended Private Acts of 1935, Chapter 387, by setting the salary of the juvenile court judge to \$4,300 per annum.
8. Private Acts of 1951, Chapter 152, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$6,000 per annum, payable in equal monthly installments.
9. Private Acts of 1953, Chapter 284, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$7,000 per annum, payable in equal monthly installments.
10. Private Acts of 1955, Chapter 9, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$7,500 per annum, payable in equal monthly installments.
11. Private Acts of 1959, Chapter 182, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$9,500 per annum, payable in equal monthly installments.
12. Private Acts of 1972, Chapter 304, attempted to amend Private Acts of 1967-68, Chapter 219, by raising the salary of the juvenile court judge to \$23,500 per year, but the provisions of this act were not approved by the quarterly county court and did not become effective.

COURT SYSTEM

PROBATE COURT

PUBLIC ACTS OF 1870

CHAPTER 86

COMPILER'S NOTE: Following this act are amendatory acts which further define the jurisdiction of the probate court of Shelby County.

SECTION 1. That there is hereby established in Shelby County, a Court of Record, to be called the Probate Court of Shelby County, to consist of one Judge, who shall be elected by the qualified voters of Shelby County, on the first Thursday in August, 1870. The qualifications and term of office of the said Judge, shall be the same as now prescribed by law in reference to Circuit Judges of this State.

Whenever a vacancy shall occur in the office of Judge of said Probate Court, whether by death, resignation, removal or otherwise, the vacancy in such office shall be filled by the qualified voters of Shelby County at the next succeeding general election, for any of the County officers, occurring more than thirty days after the happening of the vacancy; and in the meantime, the Governor of the State shall appoint a person, learned in the law and otherwise legally qualified, who shall discharge the duties of said office until a successor shall be elected and qualified. Such appointee shall receive the same compensation which would have been payable to his predecessor had such vacancy not occurred.

As amended by: Private Acts of 1935, Chapter 178.

SECTION 2. That the said Court shall have original jurisdiction of all matters of probate, the administration of estates and orphans' business, embracing all of the subjects and powers enumerated in the conferred by Sections 4,201, 4,203, 4,204, 4,205, and 4,208 of the Code of Tennessee, and concurrent jurisdiction with the Chancery Courts of Shelby County over the persons and estates of idiots, lunatics, and other persons of unsound mind; and of proceedings for the partition or sale of estates by personal representatives, guardians, heirs, tenants in common, joints owners or coparcener, for the sale of lands at the instance of the creditors of the descendents, if the personal property is insufficient to satisfy the debts of the estate, and for the allotment of dower; to remove the disabilities of minority; and it is hereby vested with all the powers of a Chancery Court touching these matters. The Judge of said Probate Court is also hereby vested with all the powers conferred by law upon Judges of the inferior Courts in this State. From the judgment of said Probate Court, an appeal shall lie directly to the Supreme Court of this State, and to no other Court.

After the settlement of a guardian's account, the Court may compel the guardian to pay into the office of the Clerk the balance found against him, and may upon motion of the Clerk or any interested party, after twenty days notice to the guardian, award summarily an execution against such guardian and his sureties for the amount of said balance as in case of a judgment at law; and when

any specific thing is to be done, the Probate Court may compel the guardian, by an order, to perform it, and by process of contempt in case of refusal.

The Probate Court shall have and is hereby granted concurrent jurisdiction with the Chancery Court of Shelby County, Tennessee, in respect of the removal of disabilities of minority.

The probate court shall have and is hereby granted concurrent jurisdiction with the chancery courts to construe and interpret wills; to entertain proceedings to reopen records made by guardians and conservators and determine upon proof any balance due by them; to determine controverted and disputed issues in cases involving executors, guardians and conservators, and to determine all matters related thereto; and to determine title to real property involved in estates.

As amended by: Private Acts of 1923, Chapter 163,
Private Acts of 1935, Chapter 179,
Private Acts of 1941, Chapter 241,
Private Acts of 1985, Chapter 28.

SECTION 3. The Office of the Clerk of the Probate Court of Shelby County is hereby created. The salary of said Clerk shall be \$6,600.00 per annum, payable in equal monthly installments.

Gertrude Decker, a citizen of Shelby County, is hereby designated and appointed as Clerk of said Probate Court of Shelby County, to serve from and after the first day of the month following enactment hereof, at and after which time the Clerk of the County Court of Shelby County shall no longer act as Clerk of said Probate Court.

The said Gertrude Decker shall serve as such Clerk until the next general election held pursuant to law, and until her successor is duly elected and qualified. At such election, a Clerk of said Probate Court of Shelby County shall be elected until the general election to be held on the first Thursday in August, 1962, at which time, and every four years thereafter, a Clerk of said Probate Court of Shelby County shall be elected for a term of four years.

Such Deputy Clerks and assistants to the Clerk as may be necessary for the proper operation and administration of the duties of said office of Clerk of the Probate Court of Shelby County, shall be appointed, and their compensation fixed in the same manner as is now provided by law for the appointment and the fixing of compensation of Deputy Probate Court Clerks upon petition by the Clerk to the Judge of the Probate Court.

The Clerk of said Court and his Deputies assigned thereto shall have concurrent authority with the Judge to issue warrants and other process and writ, except those which are required by law to be issued only upon the fiat of a judicial officer.

The terms of said Probate Court shall be held on the first Monday of each and every month, and shall continue until the business of the term is finished; but the Judge, or the Clerk in his absence, may adjourn the Court over to a subsequent day of the term, or until the first day of the next term, and said Court may sit upon its own adjournments.

The Sheriff of Shelby County shall furnish a Deputy to attend the sittings of said Court.

As amended by: Private Acts of 1959, Chapter 205.

SECTION 4. That the records of the late County Court of Shelby County, and of the present Quorum Court of said county, be, and the same are hereby transferred to the said Probate Court, and all the unfinished business therein shall be proceeded with as if the same had originated in said Probate Court, and all process and publication returnable to either of said Courts shall be as valid as if returnable to, or made in said Probate Court.

The Judge of said Probate Court is hereby vested with the authority to correct all errors and omissions made in the records of the County Court Clerk of Shelby County and particularly with respect to errors and omissions which relate to marriage licenses.

As amended by: Private Acts of 1955, Chapter 317.

SECTION 5. That the salary of the said Judge of said Probate Court shall be the same as that of the Chancellors and Circuit Judges of Shelby County; Provided, that the same shall be paid by the County Court of Shelby, and it is hereby made the duty of said County Court to make the necessary appropriation therefore.

As amended by: Private Acts of 1913, Chapter 324,
Private Acts of 1949, Chapter 237,
Private Acts of 1957, Chapter 301,
Private Acts of 1965, Chapter 84.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it; but the Quorum Court of said county shall continue to exercise the jurisdiction with which it is vested by law, until the Judge of said Probate Court shall be elected and qualified.

Passed: June 24, 1870.

COURT SYSTEM

PROBATE COURT

FEE SCHEDULE

PRIVATE ACTS OF 1980

CHAPTER 250

SECTION 1. Chapter 86 of the Acts of the General Assembly of Tennessee of the year 1870, as amended by Chapter 223 of the Private Acts of 1959, and Chapter 236 of the Private Acts of 1967, establishing the Probate Court of Shelby County, Tennessee is hereby further amended by deleting the entire fee schedule as set forth therein and substituting in lieu thereof the following fee schedule for services the clerk of the said court shall be allowed to demand and receive fees therefore:

1. For filing petition, entering order, recording bond, issuing original letters of administration in intestacy cases, issuing notice to creditors and notifying Commissioner of Revenue - \$30.00.
2. For filing petition for probate of will and entering order, without issuing letters testamentary - \$25.00.
3. For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary when bond is waived, recording will, issuing notice to creditors and notifying Commissioner of Revenue - \$40.00.
4. For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary when bond is waived, recording will, issuing notice to creditors and notifying the Commissioner of Revenue - \$40.00, plus \$1.00 for each additional page of will in excess of three (3) pages.
5. For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary or original letters of Administration C.T.A., recording bond, issuing notice to creditors and notifying Commissioner of Revenue - \$45.00.
6. For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary or original letters of Administration C.T.A., recording bond, issuing notice to creditors and notifying Commissioner of Revenue - \$45.00, plus \$1.00 for each additional page of will in excess of three (3) pages.
7. For filing petition for letters of guardianship, issuing process and cost bond, entering order, and issuing original certificate of guardianship - \$30.00, not including fee of \$10.00 additional to the Sheriff.

8. For filing petition for removal of disabilities of minority, and entering order - \$15.00.
9. For filing petition for removal of disabilities of insanity, filing affidavits and entering order -\$15.00.
10. For filing petition for allowing years support to widows and entering all orders and reports -\$15.00.
11. For filing petition to legitimate persons, entering order, issuing certificates to be forwarded to the Tennessee Department of Vital Statistics - \$20.00.
12. For filing petition for change of name, and entering order - \$20.00.
13. For filing inventory and recording same in Inventory Record Book - \$5.00.
14. For entering each order not otherwise provided for - \$6.00.
15. For filing petition for habeas corpus, filing cost bond, issuing process, and entering order - \$30.00, not including fee of \$10.00 to the Sheriff.
16. For filing and recording annual settlement of guardians, conservators, administrators and executors and entering order approving settlement only - \$12.00.
17. For filing and recording final settlements of guardians, conservators, administrators and executors and entering order approving settlement only - \$16.00.
18. For filing petition under the Mental Health Law, issuing notices of hearing, entering returns, and entering judgments after hearing - \$40.00, not including fees of Sheriff.
19. For entering order increasing bonds of guardians, conservators, executors and administrators and recording bond - \$12.00.
20. For issuing each additional copy of letters of administration, testamentary, guardianships, and conservatorships - \$3.00.
21. For each certificate issued, except under Acts of Congress - \$2.00.
22. For each certificate issued under Acts of Congress - \$4.00.
23. For issuing supplemental certificate showing letters to be in force - \$3.00.
24. For making certified copies of documents - \$1.00 per page, plus \$2.00 for certificate.
25. For filing exceptions to claims against estates, mailing notices and entering orders - \$25.00.

26. For filing petition for delayed or corrected birth certificate, and entering order - \$20.00.

27. For filing and docketing claims against decedent's estate, each claim - \$2.00, for filing release of each claim - \$1.00.

28. For filing and docketing petition and order not otherwise provided for - \$16.00.

29. For issuing summons, subpoenas, citations, writs and notices - \$6.00.

30. For filing Small Estate Affidavits (includes certifying to one copy) - \$15.00, each additional copy \$.50.

31. For filing petition and cost bond in causes involving sale of real estate - \$10.00.

32. For filing each answer in such causes - \$3.00.

33. For filing each report in such causes - \$3.00.

34. For issuing summons and entering return in such causes - \$6.00.

35. For entering orders pro confesso in such causes - \$4.00.

36. For issuing and entering order of publication in such causes - \$4.00.

37. For filing each amended petition in such causes - \$4.00.

38. For entering order appointing Guardian Ad Litem in such causes - \$6.00.

39. For entering final order in each of such causes - \$6.00. (The clerk shall collect Sheriff's fee of \$10.00 plus \$10.00 for each additional defendant in proceeding to sell real estate).

40. Commissions of funds paid into court in causes involving sale of real estate twenty-one dollars and fifty cents (\$21.50) on first one thousand dollars (\$1,000), and one half of one percent ($\frac{1}{2}\%$) on balance.

41. Commissions on proceeds of the sale of real estate when sale made by the clerk. Five percent (5%) on first six thousand dollars (\$6,000) of sale price, plus one percent (1%) of the balance.

SECTION 2. This Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Board of County Commissioners of Shelby County not more than 120 days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Shelby County and shall be certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 24, 1980.

COURT SYSTEM

PROBATE COURT

JURISDICTION - ENCROACHMENT ON ESTATES

PRIVATE ACTS OF 1935

CHAPTER 182

SECTION 1. That Chapter No. 86 of the Acts of the General Assembly of 1870 be and the same is hereby amended by adding thereto the following, to-wit:

The Probate Court of Shelby County is granted jurisdiction to authorize encroachments by guardians upon the estates of minors and persons *non compos* for the purposes of his or her support, maintenance and/or education, by proceedings in the following manner:

(1) The guardian shall file in the office of the Clerk of the Probate Court a petition in writing, duly verified, containing a statement of the nature and amount or value of the estate of the ward, including income on hand, and also of the purpose and necessity of the desired encroachment and any other relevant matter.

(2) After the petition shall have been filed, the Court, if in session, of the Judge, in chambers, shall, upon the application of the guardian, appoint a time and place for the hearing; in all cases wherein the appointment of a guardian *ad litem* is required or is made through the exercise of the discretionary power of the Court, the hearing may be had and the matter determined at any time designated by the Court or Judge; *provided* that if the estate of the person under disability which is sought to be encroached on be composed in whole or part of compensation or pension awards of War Risk Insurance payments made pursuant to Federal Law, the date of the hearing shall in all such cases be not earlier than fifteen days from the date of the filing of the petition, and the Clerk shall promptly forward a copy of the petition, with notice of the date of the hearing, to the office of the Federal Bureau having jurisdiction over the area within which the court is located.

(3) If it appears from the petition that the amount or value of the corpus of the estate of the ward exceeds Twenty Thousand Dollars (\$20,000), a guardian *ad litem* shall be appointed for the ward, otherwise the appointment of such guardian *ad litem* shall not be necessary, but may be made, in the discretion of the Court or Judge.

(4) If, upon any hearing without guardian *ad litem*, it shall appear to the Court from evidence presented that, notwithstanding the recitals of the petition otherwise, the amount or value of the corpus of the state of the ward exceeds Twenty Thousand Dollars (\$20,000), a guardian *ad litem* shall thereupon be appointed and further proceedings in the matter be suspended and the cause be reset for hearing at a later date, not earlier than fifteen days therefrom.

(5) It shall be the duty of every guardian *ad litem* appointed pursuant to the provisions of this Act to make an investigation into the matters embraced in the petition and on or before the day fixed for the hearing to file in writing a report to the Court containing a statement of the results of such investigation, with his recommendations in the premises.

(6) At the time and place appointed for the hearing the guardian shall attend in person or through counsel. The Court may also require the attendance of the ward, if practicable, and of the guardian *ad litem* and may cause a subpoena to be issued for any witness whose testimony is desired. If it appears that the testimony of any witness should be produced and such witness, for any cause, cannot attend in person, the Court may order his deposition taken.

(7) It shall not be necessary in such proceedings for any order of reference to be made, but the Court may do so if such course seems advisable. Nor shall service of process upon the ward be required and the proceeding may be in *ex parte* form.

(8) The hearing upon the petition may be had either before the Court, in session, or before the Judge, at chambers in vacation and the Court or the Judge, as the case may be, shall make such orders and decrees relative to an encroachment upon corpus assets of the ward as may be deemed proper. All such orders and decrees shall be entered upon the minutes of the Court, and those made and entered in vacation shall have the same force and effect as if made and entered in term.

(9) Guardians *ad litem* appointed hereunder shall be allowed such fees for their services as to the Court shall seem proper and the same shall be taxed as a part of the costs of the proceeding.

As amended by: Private Acts of 1965, Chapter 155,
Private Acts of 1976, Chapter 220.

SECTION 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed, *provided*, that nothing herein contained shall be construed as having the effect to oust or to alter the present jurisdiction of Courts of Chancery to hear and determine applications for encroachments.

SECTION 3. That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed: February 19, 1935.

COURT SYSTEM

PROBATE COURT

JURISDICTION - ESTATES OF MINORS

PRIVATE ACTS OF 1945

CHAPTER 175

SECTION 1. That Chapter 86 of the Acts of the General Assembly of 1870, establishing the Probate Court of Shelby County, Tennessee, be, and the same is, hereby amended by adding the following thereto, to-wit:

"The Probate Court of Shelby County shall have concurrent jurisdiction with the Chancery Courts of Shelby County over the persons and estates of minors."

SECTION 2. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

SECTION 3. That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed: February 7, 1945.

COURT SYSTEM

PROBATE COURT

JURISDICTION - CONTEMPT

PRIVATE ACTS OF 1953

CHAPTER 447

SECTION 1. That Chapter 86 of the Acts of the General Assembly of the State of Tennessee for the year 1870 entitled "AN ACT to establish The Probate Court of Shelby County," and all Acts amendatory thereof, be and the same is hereby amended to provide that:

The Probate Court of Shelby County, Tennessee, is hereby empowered to impose the same punishment for contempt of Court that the Circuit and Chancery Courts of this State are empowered to impose for contempt of Court.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

COURT SYSTEM

PROBATE COURT

JURISDICTION - SALE OF REALTY

PRIVATE ACTS OF 1935

CHAPTER 407

SECTION 1. That Chapter 86 of the Acts of the General Assembly of 1870 be and the same is hereby amended by adding the following thereto, to-wit:

(1) The Probate Court of Shelby County is granted jurisdiction to hear and determine applications for, and to consent to, confirm and decree, the sale of the real property or any part thereof, located within said County, of persons under the disability of minority and/or unsoundness of mind, when such sale is in the case of minors, for the purpose of support, maintenance, education, or reinvestment and, in the case of persons of unsound mind, is for the purpose of support, maintenance, reinvestment or payment of his lawful obligations; and the jurisdiction here conferred may be exercised whether the interest or estate of the person under disability is in possession, remainder, reversion or expectancy or is held jointly, or in common with another or is an equitable interest or is subject to any limitation, restriction, condition or contingency whatsoever.

(2) Property so limited that persons not in being may have an estate or interest therein may also be sold under the provisions of this Act if all those interested then in being, are before the Court and it is satisfactorily shown to be necessary or manifestly for the interest of such persons then in being, having a common interest with those who may come into being.

(3) The application for such sale may be made by petition or bill filed by the regular guardian or by next friend, accompanied by a cost bond, the person under disability being made a defendant thereto, and also the guardian, if any, where the proceeding is brought by next friend.

(4) In all such cases the pleadings shall set forth fully and particularly the property sought to be sold and all other property, if any, owned by the person under disability or to which he is in any way entitled, with approximate values; also his age, circumstances and conditions, the purpose for which such sale is sought and the reasons for the necessity or advisability of such sale. Every such pleading shall be in duplicate and be sworn to by the party by whom filed.

(5) Summons shall be issued for and served upon each resident defendant and return thereof made as in other cases.

(6) If it appears from an affidavit attached to the pleading or separately filed in the cause or from the officer's return on any summons:

(a) That any party defendant is a non-resident of the State, or

(b) That upon inquiry at his usual place of residence he cannot be found and there is just ground to believe that he has gone beyond the limits of the State, or

(c) That the place of his residence is unknown and cannot be ascertained upon diligent inquiry; and if such defendant has not caused his appearance to be entered, the Clerk of the Court shall enter an order requiring the defendant to appear at a certain day, being not less than twenty days from the date thereof, and defend, otherwise, the petition or bill will be taken for confessed. The Clerk shall forthwith cause a copy of this order to be published in some newspaper published in the County, or designated by order of Court.

(7) The order of publication shall contain the style of the Court and cause and the name of the place where the Court is held, without any brief or abstract of the facts, unless directed by the Court. Evidence of the publication in pursuance of the order may be by affidavit of the printer or publisher or by the actual production of the newspaper in Court.

(8) After process on the person under disability shall have been duly served and returned, the Court shall appoint a guardian *ad litem* to answer and appear and defend for him.

If the person under disability be a minor over the age of fourteen years he may file an answer in his own behalf, but this will not dispense with the answer of the guardian *ad litem*.

(9) The cause shall be triable at any time after the expiration of twenty days from the date of service of process on resident defendants, or from the date of expiration of the publication for non-resident defendants, whichever date is latest, however, the Court may in its discretion order an earlier hearing if all necessary parties are properly impleaded.

(10) The cause may be heard either on oral or written evidence. The Court may require the attendance of the person under disability, if practicable, and may cause subpoena to be issued for any witness whose testimony is desired. If it appears that the testimony of any witness should be produced and such witness from any cause cannot be present in person, the Court may order his deposition taken.

(11) The questions put to witnesses shall be such as to elicit the whole truth and may, if necessary, be prescribed by the Court, and the testimony shall be full, ample and complete. The propriety of granting such relief shall appear to the satisfaction of the Court.

(12) In order to prevent unnecessary or wrongful applications the Court may charge the guardian personally with the costs, including guardian *ad litem's* fees, if it shall appear that the proceeding has been manifestly improvidently instituted.

(13) The Court shall award the guardian *ad litem* such fee for his services as shall seem appropriate and may cause the same to be taxed as a part of the costs of the cause to be paid by the estate of the person under disability, or otherwise, as the Court's discretion shall prompt.

(14) If a sale shall be ordered the decree of the Court may prescribe the terms of sale, either for cash or on credit, or partly cash and partly on credit, and the length of credit extended in any case

shall be such as seems to the Court proper, and in any sale authorized to be made on credit, a lien shall be retained upon the land in the decree to secure the payment of the deferred purchase money.

(15) The proceeds of sales made under the authority of this Act shall be subject to the control of the Court and such dispositions thereof shall be made as to the Court shall seem proper.

In sales ordered for purposes of reinvestment the Court shall direct that the proceeds be reinvested in such manner as is authorized by law for the investment of funds of persons under disability and may within such classes of investments prescribe the particular type of securities in which such fund shall be invested.

(16) If, as the result of a sale authorized under the terms of this Act funds shall be payable to the guardian, the Court shall, before any monies are paid to him require as security therefor a bond with sufficient security in an amount which shall not be less than the amount of the fund nor more than twice its amount, as in the circumstances shall to the Court seem proper. Such bond shall be conditioned upon the performance of the decree of the Court and whatever orders the Court may thereafter make touching said proceeds.

(17) It shall be competent in any proceeding conducted under this Act that the order or decree of Court authorize a conveyance by the guardian of the property in question or in terms divest the title out of the person under disability or its guardian as the case may be and vest the same in the purchaser.

(18) If the provisions of this Act shall have been substantially complied with the purchaser of the property, unless a formal party to the action, shall get a good title, although the Court may have erred in its conclusions as to the necessity or advisability of the sale, and although the decree may for that reason be subsequently reversed or set aside upon any proceeding for the correction or errors.

SECTION 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed, *provided, however*, that nothing herein contained shall be construed as having the effect to oust or in anywise affect the present jurisdiction of Courts of Chancery over proceedings for the sale of property of persons under disability.

SECTION 3. That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed: April 12, 1935.

COMPILER'S NOTE: The provisions of Private Acts of 1935, Chapter 181, are identical to this act, except for date of passage.

COURT SYSTEM

PROBATE COURT

JURISDICTION - WORKMEN'S COMPENSATION

PRIVATE ACTS OF 1955

CHAPTER 199

SECTION 1. That Chapter 86 of the Acts of the General Assembly of the State of Tennessee for the year 1870 entitled, "An Act to Establish the Probate Court of Shelby County," and all Acts amendatory thereof, be and the same is hereby amended to provide and include the following:

"The Probate Court of Shelby County shall not have jurisdiction of causes arising under the Tennessee Workmen's Compensation Law, except causes on which petitions have been filled [sic] in said Court prior to the effect date of this Act."

SECTION 2. That Chapter 180 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935 be and the same hereby is repealed.

SECTION 3. That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any County Court of any County to which it may apply by a vote of not less than two-thirds of the members of said Court, such approval to be made by said Court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1955, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court to the Secretary of State.

Passed: March 3, 1955.

COURT SYSTEM

PROBATE COURT

DIVISION II

PRIVATE ACTS OF 1965

CHAPTER 213

SECTION 1. That Chapter 86 of the Acts of the General Assembly of the State of Tennessee for the year 1870 entitled "AN ACT to establish the Probate Court of Shelby County," and all Acts amendatory thereof, be and are hereby amended as hereinafter set forth:

SECTION 2. That there is hereby created and established on, from and after September 1, 1966, another Division of the Probate Court of Shelby County, Tennessee. The present Probate Court of Shelby County shall be known and designated as Division One of the Probate Court of Shelby County, and the Judge of said Court shall be known and designated as the Judge of Division One. The said additional Division of said Court herein created shall be known and designated as Division Two of the Probate Court of Shelby County, Tennessee.

SECTION 3. That the said Division Two of the Probate Court of Shelby County shall have the same terms, and the same jurisdiction and powers as are now vested in and exercised by the present Probate Court of Shelby County; and the procedure, rules of practice, and laws governing the said Division Two of the said Court herein created shall be the same as those of the present Probate Court of Shelby County, except as may be hereafter legally changed.

The said Divisions of the Probate Court of Shelby County shall regulate their own sessions, and sit upon their own adjournments.

SECTION 4. That at the next regular election of County Officers in the State to be held in August, 1966, a person qualified under the law shall be elected Judge of said Division Two of the Probate Court of Shelby County for a term of eight years beginning September 1, 1966, and until his successor qualifies; and from that election forward a person qualified under law shall be elected for the same term of office as the Judge of the present Probate Court of Shelby County is elected.

SECTION 5. That the Clerk of the present Probate Court of Shelby County shall also be the Clerk of Division Two of said Court herein created; and all laws governing the powers and duties of said Clerk applicable to the present Probate Court of Shelby County shall also attach and be applicable to Division Two of the Probate Court of Shelby County.

The Clerk, in person or by deputy, shall attend each Division of said Court when in session.

SECTION 6. That the minutes of the said Divisions of the Probate Court of Shelby County shall be kept in separate books and the minutes of each Division shall be signed by the Judge sitting regularly therein, except in cases of interchange duly made.

SECTION 7. That the Sheriff of Shelby County, in person or by deputy, shall attend each of the said Divisions of the Probate Court when in session.

SECTION 8. That the County Court of Shelby County shall furnish all necessary and proper furniture, books, and other supplies for each Division of the Probate Court of Shelby County; and shall also furnish separate and suitable court rooms and offices for said Divisions and said Judges.

SECTION 9. That the Judges of said Divisions of the Probate Court of Shelby County may interchange with each other when they mutually deem interchange necessary, appropriate, or convenient; and in case of death, resignation, inability to hold court, or absence from the jurisdiction of either of said Judges, the other may preside over both Divisions of said Court until a special or regular Judge is appointed or elected and qualified to serve in the place of the former.

SECTION 10. That as soon as practicable after September 1, 1966, the Judges of said two Divisions of the Probate Court of Shelby County shall apportion between the said Divisions the cases then pending in the Probate Court of Shelby County in such manner as they deem proper to expedite hearings and the disposition of said cases; and the said Judges may mutually make such Orders, Rules, and Regulations as they deem proper for the divisions and assignment to the said two Divisions of the matters and causes thereafter filed in the said Probate Court; and said Judges from time to time by mutual agreement may transfer from one Division to the other such hearings, matters and causes as they deem proper.

SECTION 11. That the salary of the Judge of said Division Two of the Probate Court of Shelby County herein created and the salary of the Judge of the present Probate Court of Shelby County shall be the same as that of the Chancellors and the Circuit Judges of Shelby County. The said salaries of the said Judges shall be paid by the County of Shelby; and it is hereby made the duty of the County Court of Shelby County to make the necessary appropriations therefor.

SECTION 12. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or disapprove, and shall be certified by him to the Secretary of State.

SECTION 13. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 26, 1965.

COURT SYSTEM

PUBLIC DEFENDER

PRIVATE ACTS OF 1917

CHAPTER 69

SECTION 1. That there is hereby created the office of Public Defender in the counties of this State having a population of not less than one hundred and ninety thousand according to the Federal Census of 1910, or any subsequent Federal Census.

SECTION 2. That immediately upon the passage of this bill in all counties of this State having a population of not less than one hundred and ninety thousand according to the Federal Census of 1910, or any subsequent Federal Census, the County Commission in such of said counties as may have County Commissions created by law, and if none, then the County Court shall elect some person, who shall be learned in the law as Public Defender who shall hold said office and discharge the duties thereof as provided in this Act for a period of four years, beginning on the first day of March, 1917, that at the expiration of the said term of office, and every four years thereafter, the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court shall elect a successor to the office of Public Defender herein provided for, which said successor shall hold said office, and discharge the duties thereof as provided in this Act for a term of four years, from, and including the first day of the term for which he is elected, and until his successor is duly elected and qualified.

SECTION 2 (b) In event of the death of a Public Defender elected as herein provided for or his resignation, or vacancy occurring through other means the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court shall elect a Public Defender of fill the unexpired term.

SECTION 2 (c). Any Public Defender elected under the provisions of this Act may be removed for cause by a two-thirds vote of the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court of the county in which he was elected.

SECTION 3 (a). That upon request by the defendant, or upon order of the Court, it shall be the duty of the Public Defender to defend, without expense, and to represent generally, all persons who are without means to employ counsel, who have been indicted, by the grand jury or charged with the commission of any crime and he shall, also, upon request, give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher Court or Courts of any person who has been convicted upon such charge, where, in his opinion there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modifications of the judgment of conviction.

SECTION 3 (b). He shall have the power to employ such deputies, assistants, stenographers, interpreters and clerks as shall be necessary for the proper conduct of the business of his office, subject to the approval of the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court, each of whom shall receive such salary or compensation as shall be fixed by the County Courts; all expenses herein referred to shall be a charge upon the county in which such Public Defender is employed.

SECTION 3 (c). He shall take and file the constitutional oath of office.

SECTION 3 (d). He shall receive such annual salary as shall be set by the Quarterly County Court of the County in which he is elected. Such salary shall be paid in equal monthly or semi-monthly installments.

As amended by: Private Acts of 1951, Chapter 155,
Private Acts of 1953, Chapter 295,
Private Acts of 1955, Chapter 115,
Private Acts of 1965, Chapter 89,
Private Acts of 1970, Chapter 313.

SECTION 3 (e). The County Court in each of the counties in which the office of Public Defender is hereby created, shall provide suitable rooms for the use of the Public Defender, and office furniture and supplies for the proper conduct of the business of his office.

SECTION 3 (f). Every person who shall be appointed as Assistant Public Defender or a Deputy Assistant Public Defender must be a counselor at law in this State and a citizen and resident of the county in which he is appointed; every such appointment shall be made in writing and under the hand and the seal of the Public Defender, and filed in the office of the Clerk of the Criminal Court of the county in which such appointment is made; and the person so appointed shall take and file with the Clerk of the Criminal Court the constitutional oath of office before entering upon his duties; every such appointment may be revoked by the Public Defender making same, which revocation shall be in writing and filed with the Clerk of the Criminal Court; such Assistant or Deputy Assistant Public Defender may attend all Criminal Courts and discharge the duties imposed by law upon or required of the Public Defender by whom he was appointed; the Public Defender may designate in writing, to be filed in the office of the Clerk of the Criminal court, one of his assistants to be acting Public Defender in the absence from such county or other disability of such Public Defender, and the assistant designated shall during such absence or disability of such Public Defender, perform the duties of said office; such designation may be revoked by the Public Defender in writing, to be filed in the office of the Clerk of the Criminal Court.

SECTION 4. That this Act shall take effect immediately from and after its passage, the public welfare demanding it.

SECTION 5. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

Passed: February 28, 1917.

COURT SYSTEM

SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

The following act is no longer in effect but is listed here for historical purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 33, gave the probate judge the authority to hire a secretary, whose annual salary was to be \$1,200. This act was repealed and the position abolished by Private Acts of 1933, Chapter 453.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION/SCHOOLS

AFRICAN-AMERICAN CULTURE AWARENESS

PUBLIC ACTS OF 1996

CHAPTER 812

COMPILER’S NOTE: This is a special public act and is not found in Tennessee Code Annotated.

SECTION 1. The title of this act is, and may be cited as the “African-American Culture Awareness Act of 1996”.

SECTION 2. Throughout America’s history as a nation, American culture has evolved and benefited from the countless contributions of a wide variety of people hailing from diverse cultural backgrounds. Many major contributions have been and continue to be made to this nation and its culture by its African-American citizenry.

SECTION 3. In each county having a population in excess of eight hundred thousand (800,000) according to the 1990 Federal Census or any subsequent Federal Census, by contract the Department of Education shall establish an African-American culture awareness program to create an awareness of the cultural contributions of African-Americans to a variety of disciplines, including the performing arts, literature, science, economics, government, and religion.

SECTION 4. The goals of the program shall be to foster self-esteem, cultural awareness, and educational excellence, by focusing on the diversity of African-Americans by highlighting cultural, historical, intellectual, and creative endeavors with local, state, regional, national, and international connections.

SECTION 5. One of the program components shall seek to prevent crime and alcohol and drug abuse by promoting proficiency and success while encouraging a sense of self-worth and self-identity in African-American children.

SECTION 6. In order to implement the goals of the program and furnish African-American children with knowledge of their history and sense of vision for the future, citizen groups shall be established within each of the county’s communities with a sizable African-American population.

SECTION 7. Within the county, a “Save the African-American Child” committee shall be formed consisting of advisors and coordinators from the public schools, businesses, civic and religious organizations, and community leaders and academicians. The multi-disciplinary committee shall address the needs of African-American children in a holistic manner – culturally, socially, psychologically, developmentally, and academically.

SECTION 8. The State appropriation for this program shall not exceed ninety-five thousand dollars (\$95,000) during any fiscal year.

SECTION 9. The Commissioner of the Department of Education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. The provisions of this act shall be subject to the availability of funding provided for such purposes pursuant to the provisions of the State's General Appropriations Act.

SECTION 11. This act shall take effect on July 1, 1996, the public welfare requiring it.

Passed: April 15, 1996.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1923

CHAPTER 381

COMPILER'S NOTE: Certain provisions of this act have been superseded by Private Acts of 1967-68, Chapter 171, which is included in its entirety, immediately following this act.

SECTION 1. That the County Board of Education for the management and control of the Elementary Schools and the High Schools of all counties of this State having a population of more than 220,000 according to the Federal Census of 1920, or any subsequent Federal Census, be and are hereby created, which Boards of Education shall consist of seven members, who shall be elected and hold office as hereafter provided.

SECTION 1-A. That the County Boards of Education, with the approval of the Quarterly County Court of any such county, be authorized to enter into a contract or contracts with the Boards of Education of any municipality therein, with the approval of such governing body of such municipality as may be required; to provide for the consolidation of all or part of the facilities of and services rendered by the said Boards of Education, including but not limited to the consolidation of the administration, employment of personnel, acquisition of land, construction of buildings and other improvements, purchasing of materials and supplies, maintenance of property and equipment, pension systems, issuance of bonds, and disposition of the proceeds of sales thereof and allocation of other funds received by said Boards of Education from and all sources.

As amended by: Private Acts of 1955, Chapter 349.

SECTION 2. That the Quarterly County Courts of the counties coming within the provisions of this Act shall at the April term of 1923, of said Courts, elect Boards of Education of seven members as follows:

Two members shall be elected for a term of one year; two members shall be elected for a term of two years; two members shall be elected for a term of three years, and one member shall be elected for a term of four years. At the expiration of the term of office of each member elected in April, 1923, his successor shall be elected by the County Court of the counties coming within the provisions of this Act at their April term in years of such expiration and for a term of four years, and thereafter the terms of each member elected shall be four years. All terms shall extend to the first Monday in April of the year of expiration, and until the successor or successors are elected and qualified.

SECTION 3. That members of County Boards of Education coming within the provisions of this Act shall be elected by the several County Courts from the county at large, and such members shall be citizens and residents of the county for which they are elected.

SECTION 4. That the Boards of Education elected under the provisions of this Act shall have and perform all the powers and duties of County Boards of Education, County Elementary Boards of Education, and County High School Boards of Education in the counties coming within the provisions of this Act, as formerly had, exercised, and performed by such Boards of Education as previously existed in said counties, it being the purpose of this Act to transfer to the Boards of Education created under the provisions of this Act, all duties, powers, authority and prerogatives heretofore had, exercised or performed by any and all Boards connected with the control or management, both Elementary and High School, of the counties coming within the provisions of this Act, and that the Boards created under the provisions of this Act shall supersede all such Boards previously existing in said counties, and it being the purpose and intention of this Act to abolish all of such previously existing County School Boards. Provided, however, that such Boards hereby abolished shall continue until the election and qualification of the members of the Board of Education created under the provisions of this Act.

Such Boards of Education shall also have and exercise all the powers and authority conferred upon County Boards of Education by General Laws and statutes of the State of Tennessee.

Such Boards of Education shall also have power and authority to supervise the General Health and physical condition of the children attending the Public Schools in such counties and they shall have a right to require all school children and teachers of the schools under their jurisdiction and control to submit to reasonable and proper physical examinations by reputable and competent physicians or representatives of the County Board of Health of Counties in which such Boards of Education exists and to require as a condition of attendance at or teaching in the Public Schools of such counties that all teachers and pupils shall be vaccinated for the prevention of Smallpox by some reputable physician, or representative of the Board of Health of such counties or that they shall furnish a certificate, or certificates from some reputable physician or physician that they have been successfully vaccinated or such certificate or certificates that vaccination has been repeatedly tried without success, for as many as two successive times.

As amended by: Private Acts of 1925, Chapter 273.

SECTION 5. That the Boards of Education created under the provisions of this Act shall have, exercise and perform all duties, powers and prerogatives in connection with the management and control of schools, both High and Elementary, of the counties coming within the provisions of this Act conferred upon County Boards of Education and County High School Boards of Education under all general laws of the State. Now in force or hereafter enacted.

Such Boards of Education shall also have authority, by and with the approval and consent of the Quarterly County Courts of Counties coming within the provisions of this Act, to transfer funds provided by County taxation from one department to another, to transfer High School funds provided by County taxation to Elementary School Funds, or to use funds provided by County taxation for any particular year to discharge or pay off a deficit of any preceding year.

As amended by: Private Acts of 1927, Chapter 295.

SECTION 6. That Boards of Education created under the provisions of this Act shall, within thirty (30) days after their election at the April term of the County Court of 1923, meet at the office

of County Superintendent or County Commissioner of Education in their respective counties and organize and elect one of such members as Chairman, who shall serve for a term of one (1) year, expiring on the first Monday of April, 1924, and until his successor is elected and qualified, and annually thereafter said Board shall elect a Chairman for a term of one (1) year, expiring on the first Monday in April of each and every year. The County Superintendent or County Commissioner of Education of the counties coming within the provisions of this Act shall be ex officio Secretary of the Boards of Education created by the provisions of this Act, but without authority to vote as a member of such Board; and nothing in this Act shall be construed as affecting the term or tenure of office of any County Superintendent heretofore elected whose term has not yet expired.

SECTION 6-A. The Chairman and the Secretary of Boards of Education created under the provisions of this Act shall each give bond in the sum of \$25,000.00, and other members of said Boards of Education shall each give bond in the sum of \$5,000.00; all such bonds to be approved by the Quarterly County Court or by the Chairman of the same.

As amended by: Private Acts of 1931, Chapter 219.

SECTION 7. That the compensation of the members of the Boards of Education created under the provisions of this Act shall be as follows: Eighteen Hundred Dollars (\$1,800.00) per annum for the Chairman of such Boards, and One Thousand Dollars (\$1,000.00) per annum for each of the other members of said Boards, to be paid by the counties coming within the provisions of this Act in equal monthly installments out of school funds of said counties.

As amended by: Private Acts of 1925, Chapter 273,
Private Acts of 1927, Chapter 516.

SECTION 8. That the County Superintendents provided for by this Act shall be elected by the County Courts of the several counties coming within the provisions of this Act, at the January term of said courts in 1927, and every four years thereafter; such County Superintendents to hold office for a term of four years, expiring on the first Monday in January of the year of expiration of their terms, and until their successors are elected and qualified, and such County Superintendents shall have all the duties, powers and prerogatives of County Superintendents or County Commissioners of Education elected or appointed under the provisions of any general law or laws regulating the school system or election or appointment of County Superintendent or County Commissioner of Education in the several counties of this State not specifically provided for under the provisions of this Act; provided, however, that nothing in this Act shall be construed as in any way abridging or affecting the duties, powers and prerogatives or the term or tenure of office of County Superintendents heretofore elected in counties coming within the provisions of this Act, whose term of office have not yet expired.

In the event the superintendent resigns, retirees, dies or a vacancy is created for any reason prior to the expiration of his four year term, the Shelby County Board of Commissioners is hereby authorized to appoint an acting superintendent in his stead, to serve in the capacity of an with all authority of the superintendent, until a permanent successor is duly appointed by the appropriate method as defined in the act.

As amended by: Private Acts of 1986, Chapter 134.

SECTION 9. That County Superintendents elected under the provisions of this Act shall have and receive such compensation from the county as the County Court of the several counties electing such County Superintendents shall fix.

That the County Superintendent of Education, with the approval of the County Board of Education, shall have the authority to employ a paymaster, whose salary shall be fixed by the County Board of Education, and who shall give bond conditioned for the faithful performance of his duties and properly accounting for all monies disbursed by him in the penalty of Twenty Thousand (\$20,000) Dollars.

It shall be the duty of the paymaster each month to make up and submit to the County Superintendent of Education and Chairman of the County Board of Education payrolls in detail of all the employees of said County Board of Education, and the County Superintendent shall thereupon issue warrants for the exact amount of said payrolls, which warrants shall be countersigned by the Chairman of the County Board of Education, drawn on the County Trustee, payable to the Board of Education Payroll Fund and shall be deposited in the separate account in bank under this designation.

It shall be the duty of the paymaster to thereupon disburse said funds when said payrolls are payable, to the parties entitled thereto in the amounts so set up in said payroll lists.

It shall be further the duty of the paymaster to reconcile all checks and warrants issued, and prepare monthly statements showing items in transit, if any, and a list of warrants or checks outstanding accounting for any difference between fund balances as shown by the bank and/or County Trustee and the balance shown by records of the County Board of Education, and such statements filed as a permanent record of said Board.

As amended by: Private Acts of 1943, Chapter 5.

SECTION 10. That in the event of any vacancy occurring by death, resignation or otherwise in the office of any member of the County Board of Education hereby created or of the County Superintendents provided for in this Act, the successor or successors of such members or Superintendent shall be elected by the County Court of the county coming within the provisions of this Act, for the unexpired term.

SECTION 11. That all laws and parts of laws in conflict with the provisions of this Act, but only in so far as the same do conflict with the provisions of this Act, and not further or otherwise, be and the same are hereby repealed.

SECTION 12. That this Act take effect on April 2, 1923, the public welfare requiring it.

Passed: March 29, 1923.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1967-68

CHAPTER 171

SECTION 1. That in counties having a population of over 600,000 according to the 1960 Federal Census or any subsequent Federal Census, with the expiration of the terms of office of the present members of the County Board of Education, shall be composed of seven (7) members who shall be elected by the majority vote of the qualified voters of said County residing outside the city limits of any municipality which operates its own public school system.

The area outside any such municipality in any county coming under the provisions of this Act shall be divided into seven (7) districts, and the members of the County Board of Education must be residents of the school districts from which they are to be elected. Any member who shall move his residence from the school district in which he is required to reside thereby vacates his office.

SECTION 2. That said County shall be divided into seven (7) school districts as follows:

District 1

Raleigh; Scenic Hills; Woodstock;
Lucy; McConnells; Locke

District 2

Millington; Kerrville

District 3

Eads; Morning Sun; Ellendale;
Bartlett; Brunswick, Arlington;
Stewartsville

District 4

Capleville; Ross' Store; White
Station, Germantown; Forest Hill;
Collierville; Cordova; Mullins

District 5

Whitehaven #3-6-7-9-10

District 6

Levi #4; Whitehaven #1-2-5-8

District 7

Levi #1-2-3-5

SECTION 3. That the terms of office of said members shall be for four (4) years, beginning on September 1st following the General County Election in August of the year in which said members are elected, and they shall serve until their successors are elected and qualified.

In the event of a vacancy in said office of a County School Board member the Quarterly County Court of said County shall appoint a person meeting the same requirements to fill the vacancy, and such person shall serve until the first day of September following the next County General Election held more than thirty (30) days after the vacancy shall occur, at which election there shall be elected a member to serve the unexpired term, and the person so elected shall hold office until the expiration of the term or until his successor is elected and qualified.

SECTION 4. That in order to implement the provisions of this Act and until such time as the present members' terms expire, notwithstanding the other provisions of this Act, the present members of the Board of Education are assigned districts as follows:

District 1 - R. L. Allen

District 2 - Dr. Jean M. Hawkes

District 3 - Blair T. Hunt

District 4 - W. S. Howard

District 5 - Dr. Frank Posey

District 6 - William Wilder

District 7 - Roy Dixon;

and the position each holds and his term of office shall apply to his successor should any member die or resign from office before the expiration of the appointment and term of offices that he presently holds.

SECTION 5. That in order to stagger the terms of office commencing with the expiration of the appointment of the presently serving members of the County Board of Education, the Quarterly County Court shall appoint a member from Districts 1 and 3 to serve from April 1, 1969, to September 1, 1970, and at the General County Election in August, 1970, a member shall be elected for a full term of four (4) years commencing September 1, 1970, from Districts 1 and 3.

As the term of office of the presently serving members from Districts 5 and 7 expires April 1, 1970, the Quarterly County Court shall appoint a member from Districts 5 and 7 to serve until September 1, 1970, and at the General Election in August, 1970, a member shall be elected for a full term of four (4) years from September 1, 1970, from Districts 5 and 7.

As the term of office of the member from District 2 expires on April 1, 1971, the Quarterly County Court shall appoint a member to serve until September 1, 1972, and at the General County Election in August, 1972, a member shall be elected for a full term of four (4) years beginning September 1, 1972, from District 2.

As the term of office of the members from Districts 4 and 6 expires on April 1, 1972, the Quarterly County Court shall appoint members to serve from April 1, 1972, to September 1, 1972, and at the General Election in August, 1972, members shall be elected for a full term of four (4) years beginning September 1, 1972, from Districts 4 and 6.

This Act does not and shall not be construed to abolish or alter the present term of any present member of any County School Board.

SECTION 6. That the County Board of Education shall have all the powers and duties conferred by general law upon County Boards of Education, including but not limited to Tennessee Code Annotated Sections 49-214 and 215 and as provided in Chapter 381 of the Private Acts of 1923, as amended, except where said Private Acts, as amended, conflict herewith.

SECTION 7. That with the ratification of this Act by referendum provided for hereinafter, the office of County Superintendent of Board of Education shall be abolished at the expiration of any term of office of any person presently or at that time holding said office, and the executive supervision of the County School System shall be then vested entirely in the County Board of Education, and the County Board of Education shall be charged with the responsibility of performing all duties and powers imposed by law upon the County Superintendent of public instruction.

The Board of Education of such County may at the expiration of the term of the incumbent superintendent employ a school administrator. Such school administrator shall be an employee of the Board of Education, and such administrator and the respective Board of Education, shall enter into a written contract describing his duties, compensation, length of employment and such other terms and conditions of employment as do not conflict with the general law, such contract to be entered into in the same manner in which such Board of Education would enter into a contract with a teacher or other employee of the Board of Education. No such contract shall be for more than five (5) years in duration, however, and no school administrator shall be employed by a County Board of Education unless the educator has been duly certified by the State Board of Education as possessing the proper qualifications, and it shall be the duty of the State Board of Education to make such certification as it may deem appropriate. The County School Administrator shall be a person of literary attainment and experienced in the art of teaching and school education and shall have a certificate of qualification issued by the State Board of Education; provided, that no such certification shall be revoked without a hearing to the holder as provided under the general law of the State of Tennessee.

SECTION 8. That if any provision or clause of this Act or application thereof to any persons or circumstances be held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect with the omission of the invalid provisions or application, and to this end the provisions of this Act are declared severable.

SECTION 9. That this Act shall have no effect unless the same is ratified by the majority of the qualified voters of any county to which it may apply in the August General Election of 1968, and the County Board of Election Commissioners shall call an election in said County to be held in conjunction with the August General Election of 1968 for the purpose of accepting or rejecting the provisions of the Act. The ballots used in such election shall have printed thereon the title of this Act, and the voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners on the first Monday occurring five (5) or more days next after the date of such election, and the result thereof shall be proclaimed by the Board and certified to the Secretary of State. The qualification of voters shall be those provided by law for preparation in general elections in the State of Tennessee, and all laws applicable to general elections shall apply to an election held as provided herein. Should this Act be ratified by the voters in such election, this Act shall become law on September 1, 1968, and shall be binding upon all parties concerned from that date forward.

SECTION 10. That for the purpose of ratifying this Act as provided in Section 9, it shall take effect upon its passage, the public welfare requiring it, but the other provisions of the Act shall become operative only as provided in Section 9.

Passed: May 16, 1967.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. Public Acts of 1992, Chapter 535, the Education Improvement Act of 1991, substantially revised many aspects of the education statutes. County boards of education are mandated to be popularly elected. The county legislative bodies, from July 1, 1992, were given authority to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. The new education general law provides for board members to be elected to staggered four-year terms.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

The following acts once affected the board of education in Shelby County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1832, Chapter 86, established Raleigh Academy at or within one mile of the town of Raleigh. This act also named five trustees for the academy with additional trustees, up to a maximum of ten, to be appointed by the county court.
2. Acts of 1847-48, Chapter 75, divided the county academy of Shelby into two branches, one for each sex. Monies for the academy, drawn from the state treasury, were to be apportioned between the two branches, as the academy trustees might direct.
3. Private Acts of 1857-58, Chapter 107, incorporated the "Young Ladies' Collegiate Institute" at Forest Hill in Shelby County. It gave the faculty full power to prescribe the course of study and award degrees.
4. Private Acts of 1857-58, Chapter 59, established the Shelby Military Institute, to be located in the vicinity of Germantown.
5. Private Acts of 1857-58, Chapter 127, directed the school commissioners of the sixth civil district to pay \$45 to Peter D. Wynn and Ferdinand Smith, the sum overpaid by them to the county trustee.
6. Public Acts of 1885, Chapter 140, authorized the county court to donate the Bartlett courthouse and grounds to the directors of the seventh school district to be used for public educational purposes.

7. Acts of 1909, Chapter 327, amended the general school law found in Public Acts of 1873, Chapter 25, to establish a county board of education for Shelby County to be composed of one member from each civil district, the county court judge, and a superintendent of education to be elected by the voters. It also required a scholastic census to be taken during the month of July.
8. Acts of 1909, Chapter 458, transferred school property in areas of Shelby County which were annexed to Memphis in 1909 from the school board of Shelby County to the board of education of the City of Memphis as of September 1, 1909.
9. Private Acts of 1911, Chapter 36, authorized the board of education to supplement the salary of the president of the West Tennessee State Normal School in the amount of \$500 annually for five years. The school was to provide Shelby County teachers with all the privileges of an observation and practice school.
10. Private Acts of 1911, Chapter 430, amended the general law on school systems to provide that in Shelby County there would be seven school commissioners rather than five.
11. Private Acts of 1913, Chapter 239, provided that the chairman of the county board of education was to be the ex-officio chairman of the county high school board. This was amended by Private Acts of 1915, Chapter 105, to raise the salary of the chairman to \$900 per year.
12. Private Acts of 1915, Chapter 75, set the salary of each member of the board of education at \$240 per annum, payable monthly.
13. Private Acts of 1917, Chapter 469, was a general school law for Shelby County, creating a board of education and the office of county superintendent. This was amended by Private Acts of 1921, Chapter 792, which reduced the number of members of the board of education to five by abolishing the two at large positions.
14. Private Acts of 1917, Chapter 480, authorized the boards of education in Shelby and Davidson counties to install a system of free textbook distribution to public school pupils.
15. Private Acts of 1919, Chapter 333, set the salary of the secretary of the board of education at \$3,000 per annum.
16. Private Acts of 1919, Chapter 756, transferred to the Memphis Board of Education from the Shelby County Board of Education all school property in the territory just annexed to Memphis.
17. Private Acts of 1921, Chapter 89, provided that there should be two classes of schools in Shelby County. The first class would be elementary school composed of the first six grades with courses prescribed by law. The second class would be high schools, divided into junior high schools with three grades and senior high schools of three grades. The course of instruction in this class was to be prescribed by the county board of education.

18. Private Acts of 1921, Chapter 455, set the salary of members of the county high school board of education at \$240 per year.
19. Private Acts of 1921, Chapter 784, divided Shelby County into six school districts, with the county court to appoint the first representative from the sixth district, then all members to be elected for six years. This was repealed by Private Acts of 1923, Chapter 273.
20. Private Acts of 1925, Chapter 388, set the salaries of the chairman of the board of education at \$1,500 per year, the chairman of the building and grounds committee at \$1,200 per year and of the other members at \$900 per annum.
21. Private Acts of 1929, Chapter 752, amended the general law to provide that all school funds for Shelby County should be divided, one-half to the county board of education and one-half to the incorporated boards of education in the county.
22. Private Acts of 1929, Chapter 798, transferred to the City of Memphis Board of Education all school property within the territory annexed to the City of Memphis in 1929.
23. Private Acts of 1937, Chapter 488, required all school funds to be divided between the county board of education and the boards of education in any city, town or taxing district in Shelby County upon a per capita basis for each child in average daily attendance.
24. Private Acts of 1947, Chapter 711, provided that school funds from the state and federal governments were to be divided on a per capita basis between the county board of education and the Memphis Board of Education. County funds were to be divided 40% to the county board of education and 60% to the city boards. This was amended by Private Acts of 1955, Chapter 351, to provide that the county funds be divided equally between the two boards of education.
25. Private Acts of 1949, Chapter 496, transferred from the Shelby County Board of Education to the Memphis Board of Education all school property located in the area annexed to the City of Memphis in 1949.
26. Private Acts of 1961, Chapter 343, created a county board of school commissioners for Shelby County, but this act was repealed by Private Acts of 1970, Chapter 314.
27. Private Acts of 1970, Chapter 293, attempted to redefine the boundaries of the seven school districts in Shelby County, but its provisions were rejected by the quarterly county court.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

Under the Education Improvement Act of 1991, the office of superintendent of public instruction (county superintendent of education) has been phased out. Replacing the superintendent is a director of schools, who is an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools may be employed under a written contract of up to four years duration. The duties of the director of schools are enumerated in T.C.A. § 49-2-301(f).

The act referenced below once affected the office of superintendent of education in Shelby County, but is no longer operative.

1. Public Acts of 1895, Chapter 155, prohibited county superintendents of public instruction from teaching in any of the public schools in counties which had a population of 30,000 and over.

EDUCATION - SCHOOLS

GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

The following act constitutes part of the administrative and political heritage of the educational structure of Shelby County but is no longer operative since it has either been superseded, repealed, or failed to receive local approval.

1. Acts of 1853-54, Chapter 160, authorized the trustees of the Male Academy at Raleigh, Shelby County, to pay Dempsey M. Sanderlin and Jefferson Messick, whatever sum may be due to them for building the house for said male academy.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

CIVIL DISTRICTS

PRIVATE ACTS OF 1977

CHAPTER 80

SECTION 1. That the Civil Districts of Shelby County be and are hereby re-arranged into two civil districts, and the numbers of the said districts and boundaries of same established as hereinafter provided, to-wit:

FIRST DISTRICT

The first civil district shall consist of the territory within the following boundaries:

Beginning at a point of intersection of the midstream of the Mississippi River with a projection westwardly to the center line of Poplar Avenue, running thence northwardly along the said Mississippi River and the eastern line of Arkansas to the Tipton County line; thence eastwardly along the Tipton County line to the Fayette County line; to the intersection of said line with U. S. Highway No. 64; thence westwardly along the center line of U.S. Highway No. 64 to its intersection with the center line of the right-of-way of Interstate Highway 40; thence southwestwardly along the center line of the right-of-way of Interstate Highway 40 to the intersection of said line with the center line of White Station Road; thence south on White Station Road to the center line of the right-of-way of the L & N Railroad; thence west with the center line of the right-of-way of the L & N Railroad to Mendenhall Road; thence south along Mendenhall Road to Walnut Grove Road; thence west on Walnut Grove Road to Goodlett Avenue; thence north on Goodlett Avenue to U. S. Highway No. 70 and Summer Avenue, its extension, being the boundaries of the southern half of the community of Berclair, unincorporated, to the North Parkway at the point where the same intersects with East Parkway; thence southwardly along the center line of said East Parkway to its intersection with the center line of Poplar Avenue; thence westwardly along the center line of Poplar Avenue to the point of beginning.

SECOND DISTRICT

The second civil district shall consist of the territory within the following boundaries:

Beginning at a point of intersection of the mid-stream of the Mississippi River with a projection westwardly of the center line of Poplar Avenue, running thence southwardly along the Mississippi River and its meanderings to the north line of Mississippi; thence eastwardly along the north line of Mississippi to the Fayette County line; thence northwardly along the Fayette County line to the intersection of said line with U.S. Highway No. 64; thence westwardly along the center line of U.S. Highway No. 64 to its intersection with the center line of the right-of-way of Interstate Highway 40;

thence southwestwardly along the center line of the right-of-way of Interstate Highway 40 to the intersection of said line with the center line of White Station Road; thence south on White Station Road to the center line of the right-of-way of the L & N Railroad; thence west with the center line of the right-of-way of the L & N Railroad to Mendenhall Road; thence south along Mendenhall Road to Walnut Grove Road; thence west on Walnut Grove Road to Goodlett Avenue; thence north on Goodlett Avenue to U. S. Highway No. 70 and Summer Avenue, its extension, being the boundaries of the southern half of the community of Berclair, unincorporated, to the North Parkway at the point where the same intersects with East Parkway; thence southwardly along the center line of said East Parkway to its intersection with the center line of Poplar Avenue; thence westwardly along the center line of Poplar Avenue to the point of beginning.

SECTION 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed, but only insofar as they do conflict, but no further or otherwise, including but not limited to Chapter 195 of the Private Acts of 1911; Chapter 78 of the Private Acts of 1917; Chapter 300 of the Private Acts of 1917; Chapter 166 of the Private Acts of 1921; Chapter 274 of the Private Acts of 1923; Chapter 224 of the Private Acts of 1925; Chapter 426 of the Private Acts of 1929; Chapter 39 of the Private Acts of 1929 (Ex. Sess.); Chapter 667 of the Private Acts of 1933; Chapter 522 of the Private Acts of 1935; Chapter 166 of the Private Acts of 1939.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly Court of Shelby County. Its approval or nonapproval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving this act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it. The approval of this act as provided in Section 3 shall not affect the present term of office of the constables of Shelby County elected from the civil districts of said county as heretofore constituted and existing, and as to them this act, if approved as provided in Section 3, shall take effect September 1, 1978. For all other purposes it shall become effective upon being approved as provided in Section 3.

Passed: May 12, 1977.

ELECTIONS

DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census at least every ten years. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: County clerk, the county election commission, the state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.

The acts listed below have affected the civil districts in Shelby County, but are no longer operative regarding elections.

1. Public Acts of 1867-68, Chapter 25, required the county commissioners of Shelby County to establish four voting precincts in the City of Memphis.
2. Private Acts of 1911, Chapter 195, was a redistricting act for Shelby County. It abolished the second, third, fourth, sixth, seventh, eighth, tenth, twelfth, thirteenth, sixteenth, seventeenth and nineteenth civil districts, attaching their territory to the first, ninth, eleventh and eighteenth districts; thus creating seven civil districts for Shelby County. This act provided that the school districts for Shelby County would remain unchanged. Private Acts of 1917, Chapter 78, amended this, to redistrict Shelby County into ten civil districts rather than seven. Chapter 78 also provided that the new justices of the peace would be elected in June, 1917; but this was amended by Private Acts of 1917, Chapter 300, to provide for an election of justices of the peace from the new civil districts in the regular August election of 1918. The boundary of the seventh civil district was changed by Private Acts of 1921, Chapter 166; and Private Acts of 1923, Chapter 274, detached certain lands from the eighth civil district and placed them in the first civil district. The original redistricting act, Private Acts of 1911, Chapter 195, was also amended by Private Acts of 1925, Chapter 224, which abolished the ninth civil district and attached its land to the second, seventh and eighth civil districts.

3. Private Acts of 1929, Chapter 426, redistricted Shelby County into eight civil districts and defined the boundaries of those districts. This was amended by Acts of 1929 (Ex. Sess.), Chapter 39, which changed the boundaries of some of the civil districts, placing different wards of the City of Memphis in them. Private Acts of 1933, Chapter 667, changed the boundaries of the second civil district, amending the original act.
4. Private Acts of 1935, Chapter 522, redistricted Shelby County into two civil districts and defined the boundaries of those districts. This was amended by Private Acts of 1939, Chapter 166, to include the southern half of the community of Berclair in the second civil district.

ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of administrator of elections and deputies by the county election commission is authorized by T.C.A. § 2-12-201. Tennessee Code Annotated, Section 2-12-208 sets a minimum salary for certified administrators of elections based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified administrator's salary and other budget requirements.

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Shelby County in the 28th through the 33rd state senatorial districts (along with Lauderdale and Tipton counties which share the 32nd district), while T.C.A. § 3-1-103 places it in the 85th through the 99th representative districts. Shelby County is part of the 9th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

The following is a listing of acts for Shelby County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1822, Chapter 1, placed Shelby County in the ninth congressional district.
2. Public Acts of 1826, Chapter 3, provided that Haywood, Madison, Tipton, Hardeman, Fayette and Shelby counties were to form one election district and be represented by one senator. Furthermore, the counties of Shelby, Tipton, McNairy, Hardeman and Fayette elected one representative jointly.
3. Public Acts of 1827, Chapter 17, provided for the election of electors of president and vice president of the United States. The eleventh district was composed of the counties of Shelby, Henry, Weakley, Obion, Carroll, Gibson, Dyer, Henderson, Madison, Haywood, Tipton, McNairy, Hardeman and Fayette and elected one elector.
4. Public Acts of 1832, Chapter 4, divided the state into congressional districts. The thirteenth congressional district was composed of the counties of Shelby, Perry, Henderson, McNairy, Fayette and Tipton.
5. Public Acts of 1832, Chapter 9, prescribed the mode of choosing electors to vote for president and vice president of the United States by dividing the state into fifteen electoral districts. The counties of Shelby, Hardeman, Hardin, Henderson, McNairy, Madison and Fayette composed the fourteenth district.
6. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Shelby, Hardeman, Fayette and Tipton composed one election district and elected one senator. In addition, Shelby and Fayette counties composed one election district and elected one representative. The returning officers of both districts met at Somerville.

7. Public Acts of 1833, Chapter 76, provided for the calling of a convention in Nashville, which consisted of sixty members. Shelby County composed one district and elected one delegate to the convention.
8. Public Acts of 1835-36, Chapter 39, divided the state into fifteen electoral districts for the purpose of choosing electors to vote for president and vice president. Shelby County was placed in the fourteenth electoral district along with Hardeman, Hardin, Henderson, M’Nairy, Madison and Fayette counties.
9. Acts of 1842 (Ex. Sess.), Chapter 1, divided the state into senatorial and representative districts. The counties of Shelby, Hardeman and Fayette composed the twenty-fifth senatorial district, the polls of which were compared at Somerville. In addition, these same counties composed a representative district and elected one representative.
10. Acts of 1842 (Ex. Sess.), Chapter 7, divided the state into congressional districts for the election of representatives to the Congress of the United States. The tenth congressional district was composed of the counties of Shelby, McNairy, Hardeman, Fayette, Tipton, Haywood, Lauderdale and Dyer.
11. Acts of 1851-52, Chapter 196, divided the state into congressional districts for the election of representatives to the Congress of the United States. The tenth congressional district was composed of the counties of Shelby, Madison, Haywood, Hardeman and Fayette.
12. Acts of 1851-52, Chapter 197, divided the state into senatorial and representative districts. The counties of Shelby, Tipton and Fayette elected one representative, the polls of which were compared at Concordia. In addition, Shelby and Fayette counties composed one senatorial district with the polls compared at Samuel Leaks, in Shelby County.
13. Acts of 1853-54, Chapter 151, provided that the polls for "floating representatives" from the counties of Tipton, Fayette and Shelby should be compared at the house of Colonel Samuel C. Leak, in the county of Shelby.
14. Public Acts of 1865-66, Chapter 57, Section 2, authorized the commissioner of registration of Shelby County to open and keep his office in the City of Memphis.
15. Public Acts of 1871, Chapter 146, divided the state into senatorial and representative districts. Shelby County was placed in senatorial districts twenty-three through twenty-five. In addition, Shelby County elected six representatives.
16. Public Acts of 1873, Chapter 27, divided the state into congressional districts. Shelby County was placed in the tenth congressional district along with Fayette and Hardeman counties.
17. Public Acts of 1881 (Ex. Sess.), Chapter 6, divided the state into representative and senatorial districts. Shelby County elected five representatives and was placed in the thirty-second and thirty-third senatorial districts.

18. Public Acts of 1882 (2nd Sess.), Chapter 27, divided the state into congressional districts. Shelby County was placed in the tenth congressional district, along with Tipton, Hardeman and Fayette.
19. Public Acts of 1890, Chapter 24, provided for more stringent regulations for securing the purity of elections in counties of the state with a population of 70,000 and over, according to the 1890 Federal Census. This act was amended by Private Acts of 1921, Chapter 550, to provide 55 ballots for every fifty registered voters at polling places.
20. Public Acts of 1891, Chapter 131, divided the state into congressional districts. Shelby County was placed in the tenth congressional district along with Tipton, Hardeman and Fayette counties.
21. Acts of 1891 (Ex. Sess.), Chapter 10, divided the state into senatorial and representative districts. Shelby County was placed in the thirty-second and thirty-third senatorial district. In addition, Shelby County elected seven representatives.
22. Acts of 1891 (Ex. Sess.), Chapter 25, provided for the registration of voters in counties with a population of 70,000 and over, according to the Federal Census of 1880. This act was amended by Public Acts of 1891, Chapter 224, which changed the population requirements from 70,000 to 50,000 persons.
23. Public Acts of 1889, Chapter 188, provided additional regulations for securing the purity of elections in counties having a population of over 70,000, according to the Federal Census of 1880.
24. Public Acts of 1901, Chapter 109, divided the state into congressional districts. Shelby County was placed in the tenth congressional district along with Hardeman, Tipton and Fayette counties.
25. Public Acts of 1901, Chapter 122, divided the state into representative and senatorial districts. Shelby County elected seven representatives and was placed in the twenty-seventh senatorial district.
26. Private Acts of 1921, Chapter 354, authorized the quarterly county court to purchase and own election paraphernalia, either alone or jointly with the City of Memphis.
27. Private Acts of 1923, Chapter 704, set the compensation for election officials in Shelby and Davidson counties.
28. Private Acts of 1935, Chapter 158, amended the general election law, to provide that the polls would open at 9:00 a.m. and close at 7:00 p.m. in all voting precincts outside the city limits of the county seat in Shelby County. This was repealed by Private Acts of 1939, Chapter 68, which set the election hours in Shelby County at 8:30 a.m. to 7:30 p.m. in all areas of the county.

29. Private Acts of 1959, Chapter 222, attempted to create a county executive committee of the major political party, but this act was not approved by local authorities so its provisions never became effective. This act was repealed expressly by Private Acts of 1977, Chapter 45.
30. Private Acts of 1965, Chapter 210, attempted to redistrict Shelby County into nine civil districts and to provide that the boundaries or number of those districts could not be changed except by act of the general assembly; but this act was not properly ratified by local authorities and did not become effective.
31. Private Acts of 1975, Chapter 127, would have amended Private Acts of 1939, Chapter 166, and Private Acts of 1935, Chapter 522, to include the southern half of the community of Berclair in the first civil district, however, this act was not ratified by Shelby County and therefore never became law.
32. Public Acts of 1979, Chapter 190, stated that effective January 1, 1980, all nominating petitions, instruction cards, application for ballot forms, and the rules and regulations regarding qualifications and qualifying for public office would be available in large print and in recorded form for the benefit of the citizens of Tennessee who suffered from visual impairments.

CHAPTER VIII - HEALTH

HEALTH

CODES

BARBER SHOPS

PRIVATE ACTS OF 1971

CHAPTER 168

SECTION 1. That the Memphis & Shelby County Health Department be and they are hereby authorized to establish sanitary standards for barber shops in accordance with the provisions of this Act outside the corporate limits of all municipalities within said county.

SECTION 2. That for the purpose of this Act, anyone or any combination of the following practices, when done for payment, directly or indirectly, or without payment for the public generally, shall constitute the practices of barbering: Shaving or trimming the beard or cutting the hair; giving facials and scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; singeing or shampooing or dyeing the hair or applying tonics, manicuring or any other grooming practices as determined by the health officer. The word "barber" means any person who practices such barbering. The word "manager and/or owner" as used in this Act means any person having, for the time being, control of the premises and of persons working or employed in a barber shop.

SECTION 3. That is [sic] shall be unlawful for a manager or owner of a barber shop to operate a place of business who does not have a permit from the Memphis and Shelby County Health Department. Only those barber shops that meet the requirements of this Act shall be eligible to receive and retain such a permit. Every barber shop shall pay to the Memphis and Shelby County Health Department an annual permit fee of \$10.00. This fee shall be due on January 1st of each year and must be paid by January 31st. All new barber shops shall secure a permit before they open for business and all barber shops that change ownership or change managers shall secure a permit. Permits will not be transferrable from one manager or owner to another.

SECTION 4. That barber shops shall be equipped with adequate hot and cold running water, and be provided with one lavatory for each chair. At shops where both men and women will be on the premises two toilets shall be required. Toilet facilities shall be conveniently located. All appliances, tools, furnishings and material as may be necessary shall be furnished to enable persons employed in and about the barber shop to comply with the requirements of this Act and the regulations of the health department. The water supply shall be adequate, of a safe, sanitary quality and from an approved source. All sewage shall be disposed of in a public sewage system, or in absence thereof, in a manner approved by the health department.

SECTION 5. That the managers of every barber shop shall keep such shops and all furniture, tools, appliances and other equipment used therein at all times in a clean and sanitary condition.

SECTION 6. That all items of equipment used on patrons at a barber shop shall be thoroughly cleaned and disinfected by a method approved by the Health Department immediately after use on each patron. No barber shall use for the service of a customer any towel or wash cloth that has not been boiled and laundered since last used.

SECTION 7. That no owner or manager of a barber shop shall knowingly permit any person suffering from a communicable disease to act as a barber in such shop. No person who, to his or her knowledge, is suffering from a communicable disease shall act as a barber. Such tests of proof may be required by the health officer.

SECTION 8. That every barber shall cleanse their hands thoroughly immediately before serving a customer.

SECTION 9. That the health department shall make such rules and regulations as may be necessary in its judgment to meet the requirements of adequate barber shop sanitation and to preserve the safety and health of barber shop patrons.

SECTION 10. That the administration of this Act shall be divided as follows:

(1) All matters and details concerning the barber registration and payment of proper fees, together with prosecutions for illegal and improper barbering practices, shall be under the direction of the division of barber shop inspection provided that health department permit and health department permit fee shall be administered by the health department.

(2) All matters and details concerning the inspection of barber shops as to their operation regarding cleanliness and all sanitary conditions shall be under the direction and control of the health officer and such inspections and prosecutions concerning same shall be handled by the health department.

SECTION 11. That the following persons are exempt from the provisions of this Act while in the proper discharge of their professional duties:

(1) Persons authorized by the laws of this state to practice medicine and surgery.

(2) Commissioned medical or surgical officers of the United States Army, Navy, Air Force, or Marine Hospital Service.

(3) Registered nurses.

(4) Persons engaged in the practice of beauty culture, including a ladies' beauty parlor.

SECTION 12. That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

SECTION 13. That all laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

SECTION 14. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 15. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 14 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

HEALTH

CODES

SWIMMING POOLS

PRIVATE ACTS OF 1971

CHAPTER 169

SECTION 1. That there is hereby adopted a sanitary code for the control and operation of public or semi-public swimming pools and/or swimming areas within Shelby County, Tennessee. The Memphis and Shelby County Health Department is hereby authorized to enforce the provisions of this code and to issue permits and collect the fees as provided for herein.

SECTION 2. That the following definitions shall be applicable in the enforcement of the provisions of this Act.

The term "public swimming pool", as used in this Act, shall mean any body of water used for public or semi-public swimming or recreative bathing, which is artificial or semi-artificial construction, including all appurtenances concerning its use, whether operated for the public in general or for a portion of the public, as members of clubs, associations or other organizations. Other terms used in this Act shall have the meanings usually accorded to them by the health department of this and other cities regulating swimming pools.

SECTION 3. That no person shall operate or maintain a public swimming pool until a permit therefor has been issued by the Memphis and Shelby County Health Department, which permit shall not be valid for longer than one year. A new permit shall be secured at the first of each year or season of operation. All permits shall be in writing and shall state the conditions under which operation shall be maintained and the term for which the permit is allowed. Any permit granted by the Health Department under the provisions of this section may be revoked by the health department, acting through the health officer, for failure to comply with any of the provisions of this Act, or whenever, in the opinion of the health officer, the further operation under such permit becomes a menace to the health and safety of bathers; provided, that the holder of any permit which has been revoked, feeling aggrieved at the action of the health officer, shall have the right to appeal to the Commissioner of Health and have tried before him the question of the legality or reasonableness of the action of the health officer. No such appeal shall entitle the continued operation of the pool pending the action of the Commissioner of Health.

Before a permit is issued by the health department, an annual permit fee of \$100.00 shall be paid to the Memphis and Shelby County Health Department. Said fee shall be due on January 1 of each calendar year and shall be paid by January 31.

SECTION 4. That no person shall begin construction of a public swimming pool or reconstruct any such swimming pool, unless plans and specifications therefor have been submitted

to and approved by the health department. Such plans and specifications shall be accompanied by supporting data, such as shop drawings of equipment, fittings, skimmers, filters, disinfectant feeders, pump rating curves, disposal of waste or other information as required by the health department. The plans shall be prepared by an architect or engineer licensed to practice in the State of Tennessee.

SECTION 5. That each public swimming pool area shall be designed in such a manner as to permit the installation of all equipment necessary for the proper operation of same and so as to give the proper routing and segregation of bathers and spectators.

SECTION 6. That no natural or artificial body of water which does not meet all requirements of the ordinance shall be approved as a public swimming pool. Every public swimming pool shall be provided with a sufficient quality of fresh water which meets the drinking water standards of the health department as to physical, bacteriological and chemical quality. The water shall show an adequate PH and disinfectant residual at all times when the pool is in use. Frequent tests shall be made to determine whether or not a sufficient disinfectant and PH balance is being maintained. At all times when the pool is in use, the water shall be sufficiently clear to permit the entire bottom of the pool to be clearly visible from the walkways. An approved test kit shall be provided by the owner to test for disinfectant residuals and for the PH of the water. The complete recirculating system equipment must be approved by the health department.

SECTION 7. That an automatic system of disinfecting the water in a public swimming pool shall be used which provides a residual of a disinfecting agent in the pool water as required by the health department.

SECTION 8. That where gaseous chlorine equipment is provided in a filter room at a public swimming pool, or in any part of a building which provides housing, the mechanical proportioning and cylinders of chlorine shall be housed in a corrosion-resistant enclosure and mechanically vented.

SECTION 9. That all public swimming pools shall be provided with dressing rooms as required by the health department which shall be so constructed as to be easily cleanable and maintained in a sanitary condition at all times. The buildings and grounds shall be kept free from garbage, trash and other refuse.

SECTION 10. That all public swimming pools shall be provided with a sanitary method of excreta disposal, including one or more separate toilets for each sex, and their number and location will be determined by the health department.

SECTION 11. That a complete system of artificial lighting shall be provided for all indoor public swimming pools and for all public swimming pools which are to be used at night.

SECTION 12. That drinking water furnished at any public swimming pool shall be of a quality approved by the health department and shall be made available by means of sanitary drinking fountains. The use of common drinking cups is forbidden.

SECTION 13. That all reasonable precautions shall be taken at public swimming pools to protect the bathers from injury or accident. Convenient means of ingress and egress shall be provided. The depth of the water and any irregularities of the bottom shall be clearly indicated.

Safety appliances such as life buoys, life hooks, bamboo poles or ropes, and equipment, including first aid kits, shall be provided and be readily accessible.

SECTION 14. That where required by the health department a sufficient number of attendants shall be on duty when a public swimming pool is in use. Such attendants shall be capable swimmers competent in life saving methods and trained in methods of artificial resuscitation.

SECTION 15. That no person having any skin eruptions or abrasions, sore or infected eyes, cold, nasal or ear discharge, or communicable disease shall be permitted to use any public swimming pool. Spitting of water, or blowing the nose in the pool shall be strictly prohibited. Suitable placards embodying such personal regulations and instructions shall be conspicuously posted.

SECTION 16. That suits and towels for common use at a public swimming pool shall be thoroughly laundered and dried after each usage in such manner as to meet the requirements of the health department.

SECTION 17. That such records and reports concerning the operation of a public swimming pool shall be kept as may be required by the health department.

SECTION 18. That the health department shall make such rules and regulations as may be necessary in its judgment not inconsistent with the ordinance to meet the requirements of public swimming pool sanitation and to preserve the safety and health of the bathers. Such rules and regulations, when adopted by the health department may be printed and made available to all operators of public swimming pools and to such other persons as may request the same. Such rules shall constitute a part of this Act. For any violation of such rules and regulations or any failure to comply therewith, any permit to operate may be revoked by the health officer under the provision of section 3.

SECTION 19. That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

SECTION 20. That all laws and part of laws in conflict with the provisions of this Act, be and they are hereby repealed.

SECTION 21. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 22. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 21 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

HEALTH

CODES

TRAILERS

PRIVATE ACTS OF 1973

CHAPTER 78

SECTION 1. That Shelby County, Tennessee, is hereby authorized to adopt a sanitary code for trailers, trailer courts, and trailer parks.

SECTION 2. The Shelby County Quarterly Court is authorized to provide for the enforcement and inspections of this code by the Memphis and Shelby County Health Department.

SECTION 3. The Shelby County Quarterly Court is authorized to amend or expand the sanitary code for trailers, trailer courts and trailer parks at any regular session.

SECTION 4. For the purpose of this chapter, the following definitions shall apply:

Service building. A building maintained by trailer court management to provide toilet facilities for male and female, laundry facilities, and to provide shower facilities for use by occupants of trailers without such facilities.

Trailer or trailer coach. Any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, provided that this definition shall not include transport trucks or vans equipped with sleeping space for a driver or drivers.

Trailer court. Any plot of ground within the county upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes are located, and has been designated as a trailer court by the Memphis and Shelby County Health Department.

SECTION 5. Immediately upon arrival within the county limits, the owner and occupants of any trailer shall be subject to all the laws, ordinances, rules and regulations of the county and any violation thereof shall constitute a misdemeanor.

SECTION 6. The parking or storage of trailer coaches shall not be permitted on any premises within the county not operating as a trailer court under a valid permit. This section shall not apply to the owner of such vehicle if he is bona fide resident of the county and possesses sufficient space on his premises to park or store the unoccupied trailer coach; and if such parking or storage is approved in writing by the health department and is not in violation of any county ordinance.

SECTION 7. The Health Department is hereby empowered to formulate from time to time and to enforce any rules and regulations that such department may deem advisable governing the operation of trailers and trailer courts, bearing on any matters of sanitation or housing.

SECTION 8. Any person who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements of the health department or health officer after receipt of written notice of such requirements shall be fined not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) for each offense and each day of continued violation after conviction shall constitute a separate offense.

SECTION 9. No trailer court shall be established or maintained by any person within the county without a valid current permit from the Health Department issued in the name of the current manager/or owner. The department is authorized to issue and to suspend or revoke permits upon written notice for reasonable cause to secure abatement of unsanitary conditions and compliance with health rules and regulations. Before a permit is issued an annual permit fee shall be paid to the Memphis and Shelby County Health Department. Said fee shall be based on the number of spaces available in the trailer court, whether or not there is a trailer located on each space. The fee shall be two dollars (\$2.00) for each space and the permit shall designate the number of spaces approved; provided that the minimum fee shall be twenty-five dollars (\$25.00) and the maximum fee shall be two hundred dollars (\$200.00). This fee shall be due on July of each fiscal year and will be for twelve (12) month period. It must be paid by July 31 or a permit will not be issued.

SECTION 10. The Health Department is hereby authorized and directed to make inspections of trailer courts and trailers; and to enter at reasonable times upon the trailer court property to investigate compliance with health rules and regulations.

SECTION 11. The active manager or owner of a trailer court shall be capable and responsible for the proper sanitation of the premises and shall provide full time competent employees to maintain and operate the establishment in a satisfactory condition at all times.

SECTION 12. The owner or occupant of a trailer shall promptly register with the owner or manager of the trailer court when the vehicle is parked therein. The owner shall enter upon such register his date of arrival, name in full and the individual names of the persons in his party, license number of the vehicle and the state in which such vehicle was licensed, and the last permanent address of the owner of such vehicle and, upon leaving, he shall enter the date of his departure.

SECTION 13. Each trailer court that accepts a dependent trailer coach for parking shall be provided with one or more service buildings.

SECTION 14. An accessible, adequate, safe and potable supply of water shall be provided to each trailer space, capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per trailer coach space. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the trailer court shall be made only after express approval has been granted by the health department.

SECTION 15. Trailer courts shall be served by a public sewer system if available, or by a private disposal system which has the approval of the health department, each trailer coach space shall be provided with an approved, rigid, airtight sewer connection. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

SECTION 16. All refuse shall be stored in standard metal containers, constructed of non-corrosive materials, equipped with tight-fitting lids and with handles. Such containers shall have a capacity of not less than 20 gallons nor more than 30 gallons, except that the maximum size limitation shall not apply where facilities are available for handling containers mechanically. Each trailer coach shall be provided with a sufficient number of containers of adequate capacity to prevent overflow. The containers shall be stored above the ground level and so fastened or supported as not to be easily overturned. Centralized refuse storage facilities may be utilized provided that the maximum distance from any trailer coach served does not exceed 150 feet. Garbage and refuse shall be collected and/or disposed of in a manner and at intervals approved by the Health Department.

SECTION 17. Insect and rodent control measures to safeguard public health, as recommended by the commissioner or health officer, shall be applied in the trailer court. The trailer court shall be kept free of rubbish, and shall be maintained in a satisfactory condition at all times. All harborage places for rodents or hosts of insect vectors shall be eliminated. All breeding places for flies and mosquitoes shall be eliminated or effectively treated.

SECTION 18. Trailer coach spaces in trailer courts shall be clearly defined and coaches parked so that there will be at least fifteen (15) feet of clear space between coaches or any attachment such as a garage or porch; fifteen (15) feet between coaches and any building or structure; at least five (5) feet between any coach and trailer court property line. No trailer coach shall be located closer than fifteen (15) feet to any public street or highway.

The individual plot sizes for trailer coach spaces shall be determined as follows:

- (1) Minimum width shall be equal to the width of the trailer plus twenty (20) feet.
- (2) Minimum depth with end parking of automobile shall be equal to the length of the trailer plus thirty (30) feet.
- (3) Minimum depth with side or street parking shall be equal to the length of the trailer plus twenty (20) feet.

In no case shall the minimum width be less than twenty-eight feet and the minimum depth less than fifty-five (55) feet and such spaces shall be used only for parking trailer coaches no larger than eight (8) feet wide and thirty-five (35) feet long.

SECTION 19. It shall be the duty of the owner or manager of a trailer court to promptly report to the Health Department all cases of suspected cases of communicable disease occurring within the court.

SECTION 20. Trailers may be occupied as living quarters, other than in designated trailer courts, if approval from the Shelby County Board of Adjustment is secured and the water supply and sewage disposal system and satisfactory sanitary fixtures are provided; as required by the Memphis and Shelby County Health Department.

SECTION 21. Any person violating any of the provisions of this code or failing, neglecting, or refusing to comply with any regulations of the department promulgated pursuant to the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00) for each offense. Each day of continued violation after conviction shall constitute a separate offense, and may be prosecuted in accordance with Section 53-303 Tennessee Code Annotated.

SECTION 22. If any part or parts of this Act shall be declared unconstitutional it shall not affect the validity of any other part of this Act.

SECTION 23. All laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

SECTION 24. This Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the secretary of state.

SECTION 25. This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 24 herein and as otherwise provided in this Act.

Passed: April 23, 1973.

HEALTH

DISPOSAL OF GARBAGE

PRIVATE ACTS OF 1973

CHAPTER 86

SECTION 1. Shelby County, Tennessee is authorized to establish a Sanitary Code for the disposal of garbage and rubbish within Shelby County outside the corporate limits of all municipalities within Shelby County.

SECTION 2. The Shelby County Quarterly Court is authorized to amend or expand this code at any of its regular sessions.

SECTION 3. The Shelby County Quarterly Court may designate the Memphis and Shelby County Health Department to enforce said code and establish rules and regulations pertaining to the sanitary disposal of garbage and rubbish.

SECTION 4. For the purposes of the code the words and phrases used herein shall have the meanings as described in the Section.

PERSON. The word "person" shall mean every natural person, firm, partnership, association or corporation.

GARBAGE shall include all putrescible animal and vegetable matter, liquid or otherwise, that attend the preparation, use, cooking, handling, storage or meat, fish, fowl, fruits or vegetables, cans or containers originally used for food stuffs, animal offal, dead animal carcasses, and any other product or container as designated by the Health Officer.

RUBBISH includes all non-putrescible solid waste consisting of both combustible and non-combustible waste such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials.

"HEALTH OFFICE." The Director of the Memphis and Shelby County Health Department or his authorized agent.

The word "Shall" is mandatory, and the word "May" is permissive.

SECTION 5. It shall be unlawful for any person in possession, charge of or control of any premises to keep, cause to be kept, or allow the keeping on any premises within the limits of Shelby County as outlined in Section 8, of garbage or rubbish in such manner that it will become offensive or deleterious to health or likely to cause disease and the same is hereby declared a public nuisance. The Health Department is hereby authorized to inspect any premise in the county for the purpose of seeing that the requirements of this code are being complied with.

SECTION 6. It shall be a misdemeanor for any person to place any garbage, straw, dirt, chips, shells, nails, iron, glass, fruit peelings, melon rinds, paper shavings, rags, or other rubbish or obnoxious substance on any street, sidewalk, alley, public park, parkway, square or other place in the county or on the property of another person.

SECTION 7. The handling, collection and disposition of all garbage, refuse, rubbish and waste shall be subject to the regulations of the department of health which is charged with the duty of seeing to it that the public health shall not be endangered in the handling, storage, or disposal of such refuse matter.

SECTION 8. It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises.

Lids or covers of such containers shall be kept tightly closed at all times other than when garbage is being deposited therein or removed therefrom. Containers used for the deposit or garbage for collection shall be in good condition so that collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly replaced. Containers provided shall be not larger than twenty-five (25) inches in diameter and thirty (30) inches in height nor smaller than fourteen (14) inches in diameter and sixteen (16) inches in height (commonly known as thirty (30) gallon and twenty (20) gallon containers). All containers shall be made of galvanized or plastic material and shall be kept watertight at all times. Sufficient additional containers shall be provided within the premises for receiving and holding without leakage and spillage all ashes, rubbish and waste matter other than garbage.

SECTION 9. Private pick up and disposal service may be used with a bulk type garbage and trash container. The frequency of pick up, the placing and method of disposal of garbage and trash, and the type of container used, shall meet requirements of the Health Department. The Health Department will adopt regulations pertaining to the regulations of this type of service.

Trash containers shall be of a size and type as approved by the Health Officer. Trash containers shall not be used for garbage.

SECTION 10. The Health Officer may make such rules and regulations as are not inconsistent with the provisions of this code as may be necessary or desirable to aid in the administration of and obtaining compliance with the provisions of this code.

SECTION 11. This bill shall apply to Shelby County outside incorporated towns; provided that agricultural zoned areas that do not have special permits from the Shelby County Board of Adjustments shall be exempt from the provisions herein.

SECTION 12. Any person violating any of the provisions of this code or failing, neglecting, or refusing to comply with any regulations of the department promulgated pursuant to the provisions of this code, shall be guilty of a misdemeanor and, upon conviction, shall be liable to fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each offense. Each day of

continued violation after conviction shall constitute a separate offense, and may be prosecuted in accordance with Section 53-303 Tennessee Code Annotated.

As amended by: Private Acts of 1975, Chapter 156.

SECTION 13. If any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity of any other part of this Act.

SECTION 14. All laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

SECTION 15. This Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any county to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this state or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 16. This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 15 herein and as otherwise provided in this Act.

Passed: April 26, 1973.

HEALTH

DISPOSAL OF SOLID WASTE

PRIVATE ACTS OF 1967-68

CHAPTER 439

SECTION 1. It is hereby declared that the use of open dumps and improperly operated solid waste disposal sites and/or facilities as a means of refuse disposal (1) endangers the health and welfare of the citizens of this State by causing or contributing to the pollution of the air and ground surface water; (2) results in nuisances and a hazard to the public health, and (3) provides a breeding place for flies, rats, and other vermin and carriers of disease. It is, therefore, declared to be the public policy of this State to eliminate and prevent such health, welfare and safety hazards by the establishment of standards for the regulation of the use and operation of solid waste disposal sites and/or facilities within the counties of this State having a population of 600,000 inhabitants or more, according to the Federal Census of 1960 or any subsequent Federal Census.

SECTION 2. That effective July 1, 1968, in all counties of this State having a population of 600,000 inhabitants or more, according to the Federal Census of 1960 or any subsequent Federal Census, the Quarterly County Court of such counties is authorized to provide by resolution for the regulation of the use and operation of solid waste disposal sites, facilities, and sanitary landfill operations.

SECTION 3. That said Quarterly County Court is further authorized to provide by resolution and may specifically provide that injunctive relief, either mandatory or based on nuisance, may be sought in the name of the County to relieve violations in addition to any other provisions therein.

SECTION 4. That failure of, or refusal by, any person to comply with the provisions of such resolution shall be lawful and is hereby declared to be a misdemeanor under the small offense law and punishable upon conviction by fine not to exceed Fifty Dollars (\$50.00).

SECTION 5. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 6. Where the conditions imposed by any provision of this Act are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Act or any other applicable law, resolution, rule or regulation, the more restrictive provisions (or those which impose higher standards or requirements) shall govern.

SECTION 7. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days

subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of the county and shall be certified by him to the Secretary of State.

SECTION 8. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 7 herein and as otherwise provided by this Act.

Passed: April 3, 1968.

HEALTH
HOSPITAL
ADMINISTRATOR

PRIVATE ACTS OF 1967-68

CHAPTER 233

COMPILER'S NOTE: Sections 1,2,3,4,5,6,7,8, and 11 were deleted in their entirety by Private Acts of 1969, Chapter 189, found in this volume, which created the Memphis and Shelby County Board of Hospital Trustees.

SECTION 9. That there is hereby established the office of Administrator of the Shelby County Hospital. The Administrator shall hold his office for a term of one (1) year, unless removed upon written charges filed before the Board of Trustees of the Shelby County Hospital, in which case the Administrator may be removed from office by the concurrence of five (5) members of the Board. The Administrator shall be a person of good business capacity; shall not be a practicing physician; shall give his entire time and attention to the duties of the office; and shall select in accordance with Shelby County regulations all employees, agents and servants for the conduct of such hospital, such selections being subject to approval by the Board of Trustees. It shall be the Administrator's duty to purchase all provisions and materials necessary for the hospital, and to keep accurate account of all purchases made, and to submit, monthly or bimonthly as required, all payrolls and invoices duly approved by the Board of Trustees to the Shelby County Commission for payment as all other such items are required to be paid. The Administrator shall have charge of all the employees and property in and about the hospital, but he shall at all times be subject to the direction and control of the Board of Trustees. It shall be the Administrator's duty to faithfully carry out, or cause to be carried out, the treatment of patients as directed by the medical staff; to collect all moneys due from pay patients and turn same over to the County Comptroller as other such moneys are required to be deposited; and to make monthly reports to the Board of Trustees of all outstanding accounts and collections. The Administrator shall make full reports of all admissions to the hospital, of all deaths, and all convalescents; and shall keep available at the hospital a record of each patient admitted, setting forth his or her place of residence, nationality, sex, disease, and such other facts and circumstances as the medical staff shall direct. The Administrator shall promulgate and keep current a manual containing the operating procedures of the hospital. Before entering upon said duties, the Administrator shall give a bond in the penalty of five thousand dollars (\$5,000.00) to secure the faithful performance of said duties.

SECTION 10. That the Board of Trustees shall include in its budget each year an amount designated as the recommended salary for the Administrator; provided that such amount shall be considered as an independent budgetary item and shall be either approved or disapproved independent of the remaining budget. The Shelby County Commission shall either approve the recommended salary or disapprove same and designate such an amount as it deems proper.

SECTION 12. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 13. That all laws or parts of laws in conflict herewith are hereby repealed.

SECTION 14. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of Shelby County and shall be certified by him to the Secretary of State.

SECTION 15. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 14 hereof and as otherwise provided in this Act.

Passed: May 18, 1967.

HEALTH
HOSPITAL
BOARD OF TRUSTEES

PRIVATE ACTS OF 1969

CHAPTER 189

SECTION 1. That the County of Shelby be and it is hereby authorized by and through its Quarterly County Court and Board of Commissioners to enter into contracts with the City of Memphis through its proper authorities for the operation, maintenance and control of the Shelby County Hospital, Oakville Memorial Hospital and the City of Memphis hospitals.

SECTION 2. That there shall be and hereby is established a Board of Hospital Trustees, to be known as the "MEMPHIS AND SHELBY COUNTY BOARD OF HOSPITAL TRUSTEES", which shall consist of fifteen (15) members who shall be vested with the power and authority to manage and control the operation of all of said hospitals, both within and without the corporate limits of the City of Memphis. Said Memphis and Shelby County Board of Hospital Trustees shall assume the authority to manage and control the operation of all of said hospitals at such time as the present Boards of Trustees of said hospitals are divested of the power and authority heretofore vested in them by Private Acts of the State of Tennessee and Ordinances and Resolutions of the legislative bodies of Shelby County and the City of Memphis.

SECTION 3. That the Memphis and Shelby County Board of Hospital Trustees herein created shall be vested with authority for the management and control of any and all hospitals presently operated or hereinafter constructed or acquired by Shelby County, either independently of, or jointly with, the City of Memphis.

SECTION 4. That the Quarterly Court of Shelby County and the Board of Commissioners of Shelby County be and they are hereby authorized by agreement with the Mayor and the legislative body of the City of Memphis to create and establish the appointment of, tenure of service, and qualifications of the Memphis and Shelby County Board of Hospital Trustees; such agreement, if made, to be evidenced by an Ordinance passed by the legislative body of the City of Memphis, the terms of such Ordinance shall be embodied in and concurred in by a Resolution of the Quarterly Court of Shelby County.

SECTION 5. That the Quarterly Court of Shelby County be and they are hereby authorized to appropriate and expend such sums as are necessary to carry out the provisions of this Act.

SECTION 6. That Chapter 209, of the Private Acts of 1917, Chapter 387 of the Private Acts of 1917, Chapter 292, of the Private Acts of 1919, Chapter 467 of the Private Acts of 1927, are repealed insofar as any parts of the same are in conflict with this Act.

SECTION 7. That Chapter 233 of the Private Acts of 1967 is hereby repealed by deleting the following Sections in their entirety: Sections 1,2,3,4,5,6,7,8, and 11.

SECTION 8. That the members of the Board of Trustees of the Shelby County Hospital and the Board of Trustees of Oakville Memorial Hospital, all of whom have rendered creditable service to their respective institutions, and the people of Shelby County, be and they are authorized to continue to serve as Advisory Members to the Memphis and Shelby County Board of Hospital Trustees during the remainder of their respective appointive terms.

SECTION 9. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 10. That all laws or parts of laws in conflict herewith are hereby repealed.

SECTION 11. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than One Hundred Twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Quarterly County Court of Shelby County and shall be certified by him to the Secretary of State.

SECTION 12. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 11 hereof and as otherwise provided in this Act.

Passed: May 9, 1969.

HEALTH

LEBONHEUR CLUB

PRIVATE ACTS OF 1965

CHAPTER 126

SECTION 1. That the County of Shelby is hereby authorized to join with and become a party with the City of Memphis in acquiring legal title to Parcel 1 of Block 7, on the Property Disposal Map of the Memphis Medical Center comprising 106,110 square feet, lying immediately east of the present LeBonheur Hospital site between Washington and Adams Streets, in the City of Memphis, and further joining with the City of Memphis in leasing same to the LeBonheur Club, Inc. for use as an addition to the LeBonheur Hospital. In addition to the aforesated use, the County of Shelby is hereby authorized to convey its interest in said property to the State of Tennessee.

As amended by: Private Acts of 1970, Chapter 247.

SECTION 2. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County, Tennessee, within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the Quarterly Court to the Secretary of State.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 9, 1965.

HEALTH

SCIENTIFIC AND MEDICAL ASSISTANCE

PRIVATE ACTS OF 1959

CHAPTER 119

SECTION 1. That the Quarterly County Court of the County of Shelby, shall be and hereby is authorized and empowered to enter into a contract, or contracts, with an institution, or institutions, public or private, or with an individual, or individuals, requiring said institution, or institutions, or said individual, or individuals, within said County to render scientific and medical assistance in connection with law enforcement problems in said County. The contracts may provide for, but shall not be limited to, the performances of autopsies, chemical and biological laboratory examinations, toxicological examinations, and such other scientific and medical examinations, investigations and experimentations as may be deemed necessary by the Quarterly County Court.

SECTION 2. That the Quarterly County Court of said County shall be, and hereby is empowered and authorized to appropriate and expend from the General Funds of the County such sums as may be deemed necessary for the purposes of effectuating the contract, or contracts, authorized by Section 1 of this Act.

SECTION 3. That any incorporated municipality within such County may join in said contracts in order to obtain the benefits thereof for the law enforcement agencies of the municipality, and may pay such portion of the authorized cost as may be agreed upon between the County and the municipality.

SECTION 4. That this Act shall be construed as supplementary to the existing contract powers and authority of such County, and is not intended to repeal any existing Act, or Acts, affecting such County.

SECTION 5. That this Act shall become effective when the same shall have been approved by the Quarterly County Court of Shelby County by a vote of not less than two-thirds of the members of said Court, such approval to be made by said Court within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1959, the public welfare requiring its becoming effective at that time, and not before such approval. The approval, or non-approval, of this Act by said Quarterly County Court of Shelby County shall be certified by the Chairman of the said Court to the Secretary of State.

Passed: March 6, 1959.

HEALTH

SEWAGE DISPOSAL

PRIVATE ACTS OF 1972

CHAPTER 394

SECTION 1. That in compliance with Section 53-2009-53-2016 of the Tennessee Code Annotated, the Memphis and Shelby County Health Department is hereby granted the authority to enforce the following requirements with respect to the sanitary disposal of sewage and human excreta.

SECTION 2. That the following definitions shall apply in the interpretation of this Act:

Accessible Sewer- A public sanitary sewer located in a street or ally abutting on the property in question or otherwise within 200 feet of any boundary of said property measured along the shortest available right-of-way.

Health Officer- The Director of the Memphis and Shelby County Health Department, or his designated representative.

Human Excreta- the bowel and kidney discharges of human beings.

Sewage-All liquid, human, animal, household and industrial wastes from residences, buildings, and commercial or industrial establishments.

Approved Septic Tank System- A watertight covered receptacle constructed according to plans approved by the health officer. Such tanks shall have a capacity of not less then 750 gallons and in the case of homes with more than two bedrooms the capacity of the tank shall be in accordance with the current recommendations of the Memphis and Shelby County Health Department and the Shelby County Plumbing Department. A minimum liquid depth of four feet should be provided with a minimum depth of air space above the liquid of one foot. The septic tank dimensions should be such that the length from inlet to outlet is at least twice but not more than three times the width. The liquid depth should not exceed five (5) feet. The discharge from the septic tank shall be disposed of in such a manner that it may not create a nuisance on the surface of the ground or pollute the underground water supply, and such disposal shall be in accordance with recommendations of the health officer as determined by acceptable soil percolation data.

Sanitary Pit Privy- A privy having a fly-tight floor and seat over an excavation in earth, located and constructed in such a manner that flies and animals will be excluded, surface water may not enter the pit, and danger of pollution of the surface of the ground of the underground water supply will be prevented.

Other approved Method of Sewage Disposal or Treatment- Any chemical toilet, or other disposal or treatment device (other than a public sewerage system, septic tank, or sanitary pit privy as described above) the type, location and construction of which have been approved by the health officer.

Watercourse-Any natural or artificial drainage basins which conveys water either continuously or intermittently.

SECTION 3. That every residence, building, or place where human beings reside, assemble, or are employed within Shelby County shall be required to have a sanitary method for disposal of sewage and human excreta. It shall be a misdemeanor to occupy such places where the sewage disposal system has not been completed and approved by the health officer.

SECTION 4. That wherever an accessible sewer exists and water under pressure is available, approved plumbing facilities shall be installed and the wastes from such facilities shall be discharged through a connection to said sewer made in compliance with the requirements of the official responsible for the public sewerage system. On any lot or premise accessible to the sewer no other method of sewage disposal shall be employed. Where plumbing facilities are required for living quarters they shall consist of at least the following: water closet, lavatory, tub or shower, kitchen sink, water heater, provided that premises not used as living quarters shall require such fixtures as required by the health officer.

SECTION 5. That wherever water-carried sewage facilities are installed and their use is permitted by the health officer, and an accessible sewer does not exist, the wastes from such facilities shall be discharged into an approved sewage disposal or treatment system.

a. No septic tank or other water-carried sewage disposal or treatment system shall be installed without the approval of the health officer or his duly appointed representative.

SECTION 6. That wherever a sanitary method of human excreta disposal is required under Section 3, above, and water-carried sewage facilities are not used, a sanitary pit privy or other approved method of disposal shall be provided as required by the health officer.

SECTION 7. That before any work is commenced on the construction of any septic tank disposal system, sewage disposal and treatment system, or additions, alterations or major changes to such system, complete plans and specifications accompanied by such pertinent data as may be required shall be submitted by the owner or his agent to the health officer, and no part of the work shall be commenced until the health officer has given written approval.

SECTION 8. That it shall be the duty of the owner of any property upon which facilities for sewage or human excreta disposal are required by Section 3, above, or the agent of the owner to provide such facilities.

SECTION 9. That it shall be the duty of the occupant, tenant, lessee or other person in charge to maintain the facilities for sewage disposal in a clean and sanitary condition at all times, and no refuse or other material which may unduly fill up, clog or otherwise interfere with the operation of such facilities shall be deposited therein.

SECTION 10. That no sewage or human excreta shall be thrown out, deposited, buried, or otherwise disposed of, except by a sanitary method of disposal as specified in this Act (or regulations).

SECTION 11. That no sewage or excreta shall be discharged or deposited into any lake or watercourse except under conditions specified by the health officer.

SECTION 12. That no sewage, effluent from a septic tank, sewage treatment plant, or discharges from any plumbing facility shall empty into any well, either abandoned or constructed for this purpose, cistern, sinkhole, crevice, ditch, or other opening either natural or artificial in any formation which may permit the pollution of ground water.

SECTION 13. That it shall be the duty of the health officer to make an inspection of the methods of disposal of sewage and human excreta as often as is considered necessary to insure full compliance with the terms of this Act (or regulation). Written notification of any violation of this Act (or regulation) shall be given by the health officer to the person or persons responsible under this Act (or regulation) for the correction of the condition, and correction shall be made within a specified time after notification. If the health officer shall advise any person that the method by which human excreta and sewage is being disposed of constitutes an immediate and serious menace to health, such person shall at once take steps to remove the menace, and failure to remove such menace immediately shall be punishable as provided in Section 15 hereof; but such person shall be allowed the number of days herein provided within which to make permanent correction.

SECTION 14. That whenever carnivals, circuses, or other transient groups of persons come within the area of Shelby County, such groups of transients shall provide a sanitary method for disposal of sewage and human excreta. Failure of a carnival, circus, or other transient group to provide such sanitary method of disposal and to make all reasonable changes and corrections proposed by the health officer shall constitute a violation of this Act.

SECTION 15. That any person, firm, association, corporation or agent thereof, who shall fail, neglect or refuse to comply with the provision of this Act or any regulation made pursuant to this Act shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) and not more than fifty dollars (\$50.00) for each violation and each day of continued violation shall constitute a separate offense.

As amended by: Private Acts of 1975, Chapter 157.

SECTION 16. That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

SECTION 17. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 18. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 17 herein and as otherwise provided in this Act.

Passed: April 11, 1972.

HEALTH

WATER QUALITY CONTROL

PRIVATE ACTS OF 1971

CHAPTER 167

SECTION 1. That the Memphis and Shelby County Health Department is hereby authorized to enforce the provisions of this Act pertaining to Water Quality Control within Shelby County excluding incorporated municipalities.

SECTION 2. That the following definitions shall be applicable to all provisions of this Act:

Abandoned Well- An "abandoned well" is any well that has been voluntarily abandoned for further use.

Auxiliary Intake - An "auxiliary intake" is any piping connection or device whereby water may be secured from a source other than that normally used.

Condemned Well- A "condemned well" is any well which pollutes or contaminates or tends to pollute the water stratum.

Cross-connection- A "cross-connection" is any physical connection whereby a potable water system, whether public or quasi-public, is connected with another supply either inside or outside of any building in such manner that a flow into the potable supply is possible, either because of ineffective or defective check valves or back pressure valves, or for any other cause.

Shallow well- is a well that is constructed to a depth shallower than the stratum of blue clay which is found just above the water bearing sands known as the Claiborne group. This stratum of blue clay in an adjacent to Memphis is usually intercepted at a depth of approximately 100 feet and extends to a depth of from 200 to 300 feet.

Deep well- is a well that is constructed to depth that penetrates the blue clay known as the Claiborne group or the 500 foot water bearing formation, also the Wilcox group known as the 1400 foot water bearing formation.

Health Department- The Memphis and Shelby County Health Department.

Health Officer- The Director of the Memphis and Shelby County Health Department, or his designated representative.

Potable Water Supply- The term "potable water supply" means any water supply of a quality approved by the Department of Health as being safe for human consumption.

Private Water Supply- A "private or individual water supply" system is one that is confined to or intended only for the person or persons immediately concerned such as individual dwellings, farms, etc.

Public Water Supply- A "public water supply" is any water supply whereby the users of said supply are required to pay a fee for services rendered.

Quasi-Public Water Supply- A "quasi-public water supply" is any supply used or made available by a person, firm or corporation, to their employees, tenants, members or guests for drinking, or in connection with any commercial or industrial use such as for cooling purposes, manufacturing processes, food preparation and handling or any other uses.

The source of a quasi-public water supply may be from a quasi-public or a public supply only.

SECTION 3. That any individual, firm, corporation, or owner of a quasi-public, or private water supply must make an application for the installation of any and all types of wells in Shelby County. An application may be obtained at the Department of Health. If an application is approved, such application shall be in force and in effect for 90 days from the date of its issuance. If work has not commenced within 90 days of issuance, said application shall be revoked.

All water wells in Shelby County shall be required to have a negative bacteriological sample obtained prior to putting the well into service.

SECTION 4. That no person, firm, or corporation shall operate or maintain a quasi-public, or a private water supply until a permit therefore has been issued by the Department of Health, which permit shall not be valid for longer than one year and may be renewed at the expiration thereof upon payment of the fees hereinafter set out. All permits shall be in writing. Such permit may be revoked by the Department of Health upon the violation by the holder of any of the terms of this article, or in any emergency when, in the judgment of the Department of Health, the continued operation of the quasi-public or private water supply will be a public health menace. The holder of such permit, after such revocation, shall have the right of appeals.

The yearly permit to operate or maintain a quasi-public water supply shall not be issued until an inspection fee is paid each year to the Health Department. A fee of twenty dollars (\$20.00) for a quasi-public water well in the shallow water bearing formation shall be paid by the owner, and a fee of ten dollars (\$10.00) shall be paid for each additional quasi-public well. A fee of one hundred dollars (\$100.00) for a quasi-public water well in the deep water bearing formation shall be paid by the owner, and a fee of twenty-five dollars (\$25.00) shall be paid for each additional quasi-public water well. The owner shall be liable for the fee whether the water well is shallow or deep. Said fee shall be due on January 1, of each calendar year and shall be paid by January 31, of each calendar year. Private well owners will be held liable for a fee only if public water is available. Private well owners shall not be liable for this fee for any wells used for irrigation and/or live stock and not for human consumption even though public water is available.

SECTION 5. That before work is commenced on the construction of any new well, or any additions, alterations, or changes, including cross connections, treatment, settling and storage tanks, aerators, wells, suction lines and any other part of such quasi-public or private water supply listed in any regulations adopted by the Department of Health, complete plans and specifications, accompanied by such pertinent data as may be required shall be submitted, by the owner or his agent to the Department of Health, and no part of the work shall be commenced until the Department of Health has given its written approval.

SECTION 6. That before any work is commenced on the construction of any sewers, sewage treatment plants or any part of the sewerage system constructed underground, or any additions, alterations or major changes to an existing sewerage system on private property on which there is a water supply; complete plans and specifications shall be submitted by the owner or his agent to the Department of Health, and no part of the work shall be commenced until the Department of Health

has given its written approval; provided, that this does not include repairs to plumbing in buildings and above the ground which is controlled by the Plumbing Inspectors.

SECTION 7. That all quasi-public and private water supplies shall be open for inspection at all times by an authorized representative of the Department of Health.

SECTION 8. That all water wells shall be located, constructed and operated in accordance with the rules and regulations adopted by the Department of Health, and the water shall be of a safe, sanitary quality.

No water well shall be located close enough to any existing or proposed well in Shelby County that would materially affect the static head of water from the underground strata of any such well or proposed well.

SECTION 9. That new or repaired potable water systems shall be disinfected prior to use.

The new or repaired system shall be flushed with potable water until it is free of turbidity.

The system or part thereof shall be filled with a chlorine solution containing at least fifty (50) parts per million of chlorine and the system or part thereof shall be valved off and given twenty-four hours retention time, or

The system or part thereof shall be filled with a chlorine solution containing at least 200 parts per million of chlorine and given three hours retention time.

Following the retention time the system shall be flushed with potable water until the chlorine residual does not exceed two parts per million in the systems.

This procedure shall be repeated if it is shown by a bacteriological examination that contamination is still present in the system.

SECTION 10. That the Department of Health may order the owner or responsible person to fill up any abandoned or condemned well within (90) days after the receipt of notice from the Department of Health to abandon, dismantle, and fill such well at his own expense. The filling of said well shall be done according to the Health Department's requirements.

SECTION 11. That no auxiliary intake for a potable water supply shall be made or permitted unless the source and use of the auxiliary supply, and the location and arrangement of the intake shall be approved by the Department of Health.

SECTION 12. That it shall be unlawful for any engineer, plumber or other tradesman or workman, or any other person, to make any cross-connection between a public water supply and any quasi-public water supply unless written approval by the Department of Health has been obtained in advance.

Whenever a cross-connection between a public water supply and a quasi-public water supply has been made, the premises shall at all times be open for inspection by any authorized representative of the Department of Health, and if on inspection, it is found that the public water supply might become contaminated through such cross-connection because of some potential danger of contamination by the other water supply, then the public supplier shall have the right to discontinue the water service upon such premises upon written recommendation by the Department of Health that such discontinuance should be put into effect.

SECTION 13. That whenever a cross-connection may be made or now exists between a public water supply and any quasi-public water supply such quasi-public water supply shall be equipped with gate valves, check valves and bleeder or test valves for the purpose of preventing the commingling of water, and to insure the means of immediate and complete separation during any possible emergency. Such valve or valves must be installed by the owner of said quasi-public water supply in such a manner as to meet the approval of the Department of Health.

SECTION 14. That whenever a public or quasi-public water supply is used for drinking and a nonpotable water supply is used for fire protection, industrial or other purposes, such nonpotable water supply shall be distributed through an independent piping system having no cross connections with the public or quasi-public water supply and shall not be rendered available for drinking or other personal or domestic uses.

SECTION 15. That whenever the potential danger of contamination of a quasi-public water supply is sufficient to be considered an emergency by an authorized Health Department representative, he shall have the right to post signs at all faucets, fountains or other places where people might drink, or prohibit the use of this water for drinking or in connection with the preparation of any ice, food or drink, until such time as the necessary protection changes are made and approved by the Health Department.

SECTION 16. That the use of all water pumped by quasi-public water supplies for industrial and drinking purposes shall be limited to reasonable use. The term "reasonable use" shall be defined as that use of water which is ordinarily required by industries, firms and individuals in the usual operation of their business. It shall also include such water as may be reasonable necessary for cooling, refrigeration and air conditioning, subject however, to the limitations and conditions herein mentioned.

The amount of water reasonably necessary for the purposes mentioned herein may be determined by the effect the use of the same, when combined with similar uses by others, may have on the available water supply and on the sewerage system available for the carrying off of wastewater. In all cases where it will be feasible for quasi-public water supplies to reuse water for cooling through the use of cooling towers, evaporative condensers or some other such device, the Health Department may require the use of some such device in order to conserve the amount of water taken from the water bearing strata from which the public drinking water supply is obtained and to limit, so far as practicable, the amount of wastewater which must be handled by the public sewer system. In any and all cases that might arise due to the drilling of new wells in which the existing public sanitary or storm sewer available is too small to handle the additional load, then such wastewater must be handled in some other manner satisfactory to the Department of Health.

SECTION 17. That the Health Department may make such rules and regulations, not inconsistent with this article or with the Constitution or laws of the State, as may from time to time be necessary to carry out the purpose of this article.

SECTION 18. That any person, firm or corporation who is in violation with any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction be fined not less than \$25.00 or more than \$100.00 and each day such violation of this Act shall continue shall constitute a separate offense.

SECTION 19. That if any part or parts of this Act shall be declared unconstitutional, it shall not affect the validity or any other part of this Act.

SECTION 20. That all laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

SECTION 21. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 22. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 21 herein and as otherwise provided in this Act.

Passed: May 20, 1971.

HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

The following summaries are included herein for reference purposes.

1. Acts of 1837-38, Chapter 183, revived an act passed on December 31, 1831, which appropriated the state tax on merchants' license, within Shelby County, to support the Memphis Hospital for a period of five years.
2. Acts of 1845-46, Chapter 92, appropriated the state tax on merchants' license, within Shelby County, to the exclusive use and benefit of the Memphis Hospital for two years.
3. Public Acts of 1891, Chapter 186, provided for the establishment of asylums for the insane, poor and inebriate, to be established and personnel appointed by the Shelby County Board of County Commissioners. This was amended by Private Acts of 1917, Chapter 255, which provided that the appointment of a farm boss for the asylum would be discretionary with the trustees of the asylum.
4. Acts of 1903, Chapter 403, amended Public Acts of 1891, Chapter 186, by providing a commission of three members, instead of five, to oversee the operation of an asylum for the insane, poor and inebriates.
5. Acts of 1907, Chapter 339, provided that the board of commissioners of the asylum for the insane, poor and inebriates should hold their meetings on the first Wednesday of each month, and more often if necessary.
6. Acts of 1907, Chapter 476, provided for the meetings of the county board of health, and for the payment of the accounts, bills and expenses in said county board of health in counties of 150,000 or over according to the Federal Census of 1900.
7. Private Acts of 1917, Chapter 209, authorized Shelby County to erect, equip and maintain a tuberculosis hospital in cooperation with the City of Memphis, provided for the governing of that hospital by a board of trustees and allowed the county to levy a tax for the support of that hospital. Private Acts of 1917, Chapter 387, allowed the City of Memphis to cooperate with Shelby County in the construction of that hospital. Private Acts of 1919, Chapter 292, authorized a bond issue for the construction and support of the tuberculosis hospital. All of these acts were amended by Private Acts of 1961, Chapter 301, to add the words "and other chest diseases" after the word "tuberculosis." Private Acts of 1969, Chapter 117, further amended these acts, to permit the hospital trustees to admit patients who are chronically ill, to treat subacute illnesses and to engage in a program of rehabilitation. All of these acts were

repealed by Private Acts of 1969, Chapter 189, which created the Memphis-Shelby County Board of Hospital Trustees.

8. Private Acts of 1919, Chapter 662, provided for a system of reformatory institutions, home for women and detention hospitals for infected women, and to prescribe the terms on which women may be admitted and committed to such institutions, and for the care, government and support of same.
9. Private Acts of 1927, Chapter 467, authorized Shelby County to issue bonds in the sum of \$100,000 for the purpose of, in co-operation with the City of Memphis, constructing new buildings and additions to the Tuberculosis Hospital.
10. Private Acts of 1943, Chapter 261, authorized the board of trustees of the Tuberculosis Hospital in Shelby County to use any proceeds remaining in their hands from the sale of improvement bonds for said hospital or any current surplus of said hospital in the payment and retirement of bonds issued for the benefit of such institutions.
11. Private Acts of 1945, Chapter 263, amended Private Acts of 1911, Chapter 237, giving the commission power to order an autopsy whenever there was a suspicious death at the Oakville Memorial Sanatorium.
12. Private Acts of 1949, Chapter 497, authorized Shelby County in conjunction with the City of Memphis to establish a board of water control, but this act was superseded by the provisions of Private Acts of 1971, Chapter 167, which created the current water quality control board.
13. Private Acts of 1951, Chapter 571, authorized Shelby County to contract with public or private institutions within the county for scientific and medical assistance in law enforcement. This act was repealed by the current law, Private Acts of 1959, Chapter 122, found in this volume in the preceding chapter.
14. Private Acts of 1975, Chapter 107, provided that in Shelby County (identified by the 1970 population figures) regulatory authority over cotton gin operations for the purpose of controlling air contaminant emissions from cotton gins would hereafter be vested solely with the State of Tennessee and not with any local jurisdiction. This act was not acted on by local authorities and consequently never took effect at the local level.

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS - ROADS

ROAD IMPROVEMENTS

PRIVATE ACTS OF 1913

CHAPTER 32

SECTION 1. That in counties having a population of one hundred ninety thousand inhabitants, or more, according to the Federal census of 1910 or any subsequent Federal census, the supervision, control, and management of the public roads in said counties shall be vested in, and become a part of, the powers of the Board of County Commissioners.

SECTION 2. That the working of said public roads, the repairing of same, the opening of new roads, or the changing of old roads - in short, the entire care and control of the public roads in said counties - shall be under the jurisdiction of the Board of County Commissioners, who shall have full authority in said matters, except as hereinafter provided, together with the right to employ such person or persons to superintend the working of said roads or to work on said roads as, in their judgment and discretion, they deem right and proper.

SECTION 3. [Deleted by Private Acts of 1931, Chapter 220].

SECTION 4. [Deleted by Private Acts of 1931, Chapter 220].

As amended by: Private Acts of 1921, Chapter 242.
Private Acts of 1925, Chapter 422.

SECTION 5. [Deleted by Private Acts of 1931, Chapter 220].

SECTION 6. [Deleted by Private Acts of 1931, Chapter 220].

SECTION 7. That in the matter of opening or making new roads, or of changing old roads, the Board of County Commissioners shall appoint three disinterested freeholders of the district in which said road is located, or, if in more than one district, two from each of the districts in which the same is located, who shall have no interest, direct or remote, in the proposed road or change, and who shall have never been consulted in regard to the same, and who shall take oath of the above matters in regard to their qualification, and also that they will act impartially in the matter; and thereupon the Board of County Commissioners shall give written notice to all landowners and tenants whose land will be affected by the opening, making, or changing of the said road, that at a certain time, which will not be less than five days from the time said notice is given, a jury of view, consisting of said free holders, will determine the matter that they have been appointed to investigate. Said jury of view, at the time and place designated in said notices, shall view the roads to be affected by the proposed change, may hear the statement and testimony of any persons, and shall then make a written report to the Board of County Commissioners setting out their findings, describing the road to be changed, opened, or closed, and finding the amount to be paid any

landowner or tenant as damages for taking his land or crops. This report shall be signed and sworn to by said jury of view, and shall be at once filed with the clerk of the Board of County Commissioners. Said Board of County Commissioners may take up said report as soon after it is filed as it is convenient, and, if they see fit, may hear proof or the statements of any parties interested, and determine what amount shall be paid as damages to said interested parties. From the findings of the Board of County Commissioners, any person may prosecute an appeal to the Circuit Court of said county by giving bond within five days after the findings of the Board of County Commissioners; but the prosecution of said appeal shall not prevent the Board of County Commissioners from taking possession of their property, or making the proposed changes on said road, or building or opening said road; *provided*, the county, through the Board of Commissioners [sic], shall give bond, with good security, in double the amount of damages found by the Board of County Commissioners, which bond shall be filed with the papers in the Circuit Court.

SECTION 8. That the Board of County Commissioners shall have full power and authority to regulate the crossings of county roads by steam railroads, electric railroads, or any other public-service corporation; and they shall have the right to grant a right of way to such railroads for the purpose of crossing the county roads, where it can be done safely to the traveling public. It shall be within their power to require said railroads to make every safeguard necessary and appropriate for the safety of the traveling public, and to provide the grade at which they shall work said roads, or whether they shall go over or under the same, and to provide the safeguards and regulations as to said crossings; all of which must be at the expense of said railroads; and in cases where crossings are made by the railroads, it shall be the duty of said railroads to keep and maintain said crossings and fifty feet of the public road on either side of said railroad at their (the railroad's) expense. It is not intended by this Act, however, to give the County Commissioners the right to grant franchises to railroads, electric light companies, telephone companies, etc., to run their tracks or lines along and upon the public highways of the county, but this right shall only be granted by the County Court.

SECTION 9. That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed.

SECTION 10. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1913.

HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state. The counties with a population in excess of 200,000 (Shelby, Davidson, Knox and Hamilton) are excluded from this law.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. The qualifications of candidates for elected and appointed offices are reviewed by the Tennessee highway officials certification board. Qualified candidates for popular election are certified by this board to the state coordinator of elections who forwards this certification to the county election commission. T.C.A. § 54-7-104(a).

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer is set by T.C.A. § 8-24-102. T.C.A. § 54-7-106. The bond of the chief administrative officer is now set at \$100,000 by T.C.A. § 54-7-108.

Most of the duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission. The chief administrative officer annually submits a county road list which includes a summary of all changes approved the previous year by the county legislative body and the reason for the change, and makes recommendations to the county legislative body respecting proposed changes to the county road list and the classification of roads. T.C.A. § 54-10-103.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

The following is a listing of acts which once had some effect upon the county road system in Shelby County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1832, Chapter 132, provided that the citizens of Shelby County were not subject to the payment of tolls on the Gallatin & White Creek Turnpike Road.
2. Acts of 1843-44, Chapter 62, gave the county court authority to order that first class roads in Shelby County be opened to a width of forty-five feet so that they might be used for stagecoaches.
3. Private Acts of 1866-67, Chapter 63, authorized the building of a dirt turnpike road, thirty feet wide and above the high water mark from the residence of W. E. Jones to Black Branch. The county court was to appoint an inspection committee, and also to set the rates of toll on the turnpike roads.
4. Public Acts of 1877, Chapter 13, provided for the benefit of the Shelby County Turnpike Company. This act authorized that a tollgate may be located nearer than one mile of the corporate limits of the City of Memphis and that those who lived on or resided on said road, within one mile of the corporate limits of Memphis, were not charged for their use of the turnpike.
5. Acts of 1903, Chapter 342, provided that all road hands living on the turnpikes in Shelby County were to keep the side ditches of the county roads open.
6. Acts of 1903, Chapter 359, authorized the county court to appoint road supervisors in and for each civil district.
7. Acts of 1903, Chapter 370, abolished the office of road commissioner. This act was repealed by Acts of 1905, Chapter 74.
8. Acts of 1905, Chapter 63, recreated the office of road commissioner for Shelby County.
9. Acts of 1905, Chapter 69, amended the general road law of the state found in Public Acts of 1883, Chapter 167, to provide that the salary of the supervisor of the turnpike commission in Shelby County would be \$1,500 per year.
10. Acts of 1905, Chapter 79, amended the general law found in Public Acts of 1891, Chapter 1, to require the turnpike commissioner in Shelby County to keep records of official transactions and make a quarterly report to the county court, and to give him the authority to hire overseers.
11. Acts of 1907, Chapter 219, required the board of workhouse commissioners to furnish the turnpike superintendent with a gang of not less than twenty nor more than thirty convicts, properly outfitted to keep the graveled roads of the county in repair. The caption of this act embraced only Shelby County (population of 150,000 or more by the federal census of 1900) but the act itself (population of 15,000 or more) applied to most Tennessee counties. This act was repealed by Acts of 1909, Chapter 195.
12. Acts of 1907, Chapter 370, was a general road law for Shelby County which authorized the county court to appoint a "Superintendent of Public Dirt Roads." This act was amended by

Acts of 1909, Chapter 499, to provide that the chairman of the county court, the road superintendent and the county attorney could settle by agreement any matter with landowners whose property adjoined any road which was being straightened, widened, or otherwise improved. These officials were authorized to pay up to \$100 to settle any such dispute. This act was further amended by Private Acts of 1911, Chapter 276, to provide that the board of county commissioners could elect a superintendent of public district roads for Shelby County. Private Acts of 1911, Chapter 364, amended the original act by giving the superintendent of public roads the authority to widen any road in the county, provided that no damages were to be assessed by condemnation. All of these acts were repealed by Private Acts of 1913, Chapter 9.

13. Acts of 1909, Chapter 174, amended the general law found in Public Acts of 1883, Chapter 167, to provide that in Shelby County the salary of the secretary and supervisor of the turnpike commission would be \$2,000 per year, payable monthly.
14. Acts of 1909, Chapter 194, amended the general law on turnpike construction, Public Acts of 1883, Chapter 167, by providing that in counties with a population over 150,000, according to the Federal Census of 1900, the salary of the secretary and supervisor of the turnpike commission shall be \$2,000 per annum.
15. Private Acts of 1911, Chapter 423, created the office of bridge superintendent, to be under the direction and control of the county court, and to have the duty of supervising the building and repair of all bridges in the county. This was repealed by Private Acts of 1913, Chapter 133.
16. Private Acts of 1913, Chapter 132, gave the board of county commissioners in Shelby County full and entire charge of the supervision, construction and management of the building and repairing of public roads in Shelby County.
17. Private Acts of 1925, Chapter 423, authorized the board of county commissioners to establish improvement districts for the opening and maintenance of boulevards, parkways and other specially designated roads.
18. Private Acts of 1929, Chapter 794, authorized Shelby County and cities within Shelby County to contract with reference to the distribution and application of funds for highways, bridges and turnpikes.
19. Private Acts of 1943, Chapter 258, authorized the board of county commissioners to contribute \$375,000 toward the construction of a bridge for vehicular traffic across the Mississippi River. This was amended by Private Acts of 1947, Chapter 515, which substituted \$875,000 for \$375,000.

CHAPTER X - LAW ENFORCEMENT

LAW ENFORCEMENT

JAILS AND PRISONERS

CARE OF CITY PRISONERS

PRIVATE ACTS OF 1913

CHAPTER 243

SECTION 1. That all counties in this State having a population of 190,000 or over by the Federal census of 1910 or any subsequent Federal census and municipalities within said counties, are authorized to enter into and make contracts by which the said counties are to take and care for the prisoners of said municipalities.

SECTION 2. That said Counties, after making a contract in the manner herein set out, are authorized and empowered to keep the prisoners of said municipalities, and to board, house, and guard them. The said counties are authorized and empowered to work said prisoners at any point in said counties inside the corporate limits of said municipalities or not, but no greater degree of labor can be imposed upon said cities' prisoners than could be imposed by the particular municipalities under its existing charter powers.

The said municipalities are authorized to pay for the boarding, housing, and guarding of said prisoners by their work on the county roads, or in any other way agreed upon between the cities and counties.

As amended by: Private Acts of 1961, Chapter 376.

SECTION 3. That the contract to be entered into between the counties and municipalities here set out, shall be passed by the Quarterly County Court and be approved by it in every detail on the part of the county, except in such counties as possess Boards of Commissioners in whom is vested the authority concerning matters of this character, and in which counties the said contract shall be passed and approved in every detail by the said Board of Commissioners.

SECTION 4. That Chapter 300 of the Private Acts of Tennessee of 1911, be, and the same is, hereby repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 26, 1913.

LAW ENFORCEMENT

JAILS AND PRISONERS

PRISONERS' WORK ON PARKS

PRIVATE ACTS OF 1919

CHAPTER 586

SECTION 1. That all counties in this State having a population of 190,000 inhabitants or over, according to the Federal Census of 1910, or any subsequent Federal Census, and municipalities in such counties, are authorized to work prisoners committed to the workhouse of such counties, or cities, upon any public park or parkways belonging to the county or city, and the Workhouse Commissioners, Quarterly County Court, or any other Board of Commission having charge of such prisoners, is authorized to make such contracts as may be necessary for the employment of such prisoners upon said parks or parkways.

In case a contract should be entered into any county and city or by a county or city with other lessees for the working of such prisoners upon public parks or parkways, such contract shall be in accordance with laws now in force in counties under the provisions of this Act in so far as it concerns the care, protection and control of such prisoners.

SECTION 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 12, 1919.

LAW ENFORCEMENT

JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106. 1999 Public Chapter 190 authorizes two or more counties to enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties. Each county that is a party to an interlocal agreement for a jointly operated jail would no longer be required to maintain a separate jail.

The following acts once affected jails and prisoners in Shelby County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1883, Chapter 233, amended the general law concerning county jail physicians, Public Acts of 1877, Chapter 160, by redefining his duties and setting his salary to \$1,500 per annum in counties with a population of 50,000 or more.
2. Acts of 1905, Chapter 458, provided that the quarterly county court of Shelby County should elect four competent persons, plus two justices of the peace, to serve as a workhouse commission for the county.
3. Acts of 1909, Chapter 195, provided that the board of workhouse commissioners was to furnish the turnpike superintendent with a gang of convicts, properly equipped, of not less than forty nor more than seventy to keep the gravel roads of the county in good repair. Guards for this gang were to be employed by the superintendent of the workhouse, but their salary was to be paid from the turnpike fund.
4. Private Acts of 1911, Chapter 300, authorized Shelby County to enter into contracts with municipalities within its boundaries regarding the care of prisoners for those municipalities. This was repealed by Private Acts of 1913, Chapter 243.
5. Private Acts of 1921, Chapter 115, created the Shelby County Jail Commission to oversee the construction of a jail or a jail-penal farm and to issue and sale bonds for the construction of that facility. This was amended by Private Acts of 1921, Chapter 937, to provide that any surplus remaining after completion of the jail or penal farm would be used for improving the county workhouse and/or the home for the aged and infirm and/or any other county institution.
6. Private Acts of 1965, Chapter 249, attempted to give the superintendent of the Shelby County Penal Farm broad discretion in the confinement, temporary release and rehabilitation of chronic alcoholic persons sentenced to the workhouse by the criminal court for public drunkenness, but this act was rejected by the quarterly county court and its provisions were never effective.

LAW ENFORCEMENT

MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.

Those acts once affecting Shelby County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Shelby County composed the sixty-ninth regiment and held a regimental muster on the fourth Saturday in September annually.
2. Private Acts of 1827, Chapter 60, Section 4, set the time for holding drills for the militia of Shelby County to the Thursday and Friday preceding the third Saturday in September.
3. Public Acts of 1835-36, Chapter 21, divided the state militia into militia brigades. The militia of Shelby County formed the twenty-second brigade.
4. Acts of 1837-38, Chapter 157, provided that the county drill of the twenty-second brigade of Shelby County would be held on the second Monday and Tuesday of September of each year.
5. Acts of 1839-40, Chapter 56, revised the militia laws of the state. The militia of Shelby County composed the one hundred twenty-eighth and the one hundred and twenty-ninth regiments of the twenty-second brigade of the fourth division.
6. Acts of 1839-40, Chapter 187, created the twenty-third brigade of the Tennessee militia, which included the counties of Shelby and Fayette. This act also provided for the election of brigade officers by white males in those counties, between the ages of eighteen and forty-five.
7. Public Acts of 1861, Chapter 1, was an overall militia law for the state. The militia of Shelby County composed the one hundred twenty-eighth and the one hundred and twenty-ninth regiments.

LAW ENFORCEMENT

OFFENSES

AIR RIFLES

PRIVATE ACTS OF 1961

CHAPTER 372

SECTION 1. That, as used in this Act:

(1) "Air Rifles" mean and include any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm.

(2) "Dealer" means any person, partnership, association, or corporation engaged in this business of selling at retail or renting any of the articles included in the definition of air rifles.

SECTION 2. That: (a) It shall be unlawful for any dealer in Shelby County to sell, lend, rent, give, or otherwise transfer an air rifle to any person under eighteen (18) years, where the dealer knows, or has reasonable cause to believe, the person to be under the age of eighteen (18) years, or where such dealer has failed to make reasonable inquiry relative to the age of such person, and such person is under eighteen (18) years of age,

(b) It shall be unlawful for any person in Shelby County to sell, give, lend, or otherwise transfer any air rifle to any person under eighteen (18) years of age, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the person under eighteen (18) years of age.

SECTION 3. That: (a) It shall be unlawful for any person in Shelby County under eighteen (18) years of age to carry any air rifle on the public streets, roads, highways or public lands within said County unless accompanied by an adult; provided, however, that said person under eighteen (18) years of age may carry such rifle unloaded in a suitable case, or securely wrapped.

(b) It shall be unlawful for any person in Shelby County to discharge any air rifle from or across any street, sidewalks, road, highway or public land of said County or any public place in said County except on a properly constructed target range.

SECTION 4. That notwithstanding any inconsistent provision of this Act, it shall be lawful for any person in Shelby County under eighteen (18) years of age to have in his possession any air rifle, if it is:

(1) Kept within his domicile.

(2) Used by the person under eighteen years of age and he is duly enrolled member of any Club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult.

(3) Used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projective from transversing any grounds or space outside the limits of such grounds or residence.

SECTION 5. That the provisions of this Act shall not be construed to prohibit sales of air rifles:

(1) By wholesale dealers or jobbers.

(2) To be shipped out of Shelby County.

(3) To be used at a target range operated in accordance with Section 4 of this Act or by members of the armed services of the United States or veterans' organizations.

SECTION 6. That the sheriff or police officer shall seize, take, remove or cause to be removed, at the expense of the owner, all air rifles used or offered for sale in Shelby County in violation of this Act.

SECTION 7. That: (a) Any dealer violating the provisions of subsection (a) of Section 2 of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of Fifty Dollars (\$50.00) for each offense.

(b) Any person violating any other provision of this Act shall, upon conviction, be sentenced to pay a fine of Twenty-Five Dollars (\$25.00).

SECTION 8. That this Act shall have no effect unless the same shall have been approved by a two-third vote of the Quarterly County Court of any County to which it may apply within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

SECTION 9. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 16, 1961.

LAW ENFORCEMENT

OFFENSES

CURFEW LAW

PRIVATE ACTS OF 1969

CHAPTER 164

SECTION 1. In counties having a population of Six Hundred Thousand (600,000) or more, according to the Federal Census of 1960 or any subsequent Federal Census, a minor under eighteen (18) years of age, shall not loiter, idle, wander or play in or upon the public street, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in said county, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time, provided that this Section shall not apply to a child accompanied by his or her parent, guardian, or other adult person having the care and custody of said minor.

SECTION 2. When any child is in violation of this Act, the apprehending officer shall act in one of the following ways:

- (1) If a first violation, and if in the opinion of the officer such action shall be effective, take the child to his or her home and warn and counsel with the parents or guardians.
- (2) Issue a summons to the child and/or parents or guardians to appear at the Juvenile Court.
- (3) Bring the child into the custody of the Juvenile Court for disposition.

SECTION 3. With the exception of the provisions contained in Section 1 hereof, no parent, guardian, or other person having the care and custody of a child who has not reached his eighteenth birthday shall knowingly permit such child to loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place in said county, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time.

SECTION 4. A minor or any parent, guardian, or other person having the care and custody of a minor violating the provisions of this Act is guilty of a misdemeanor and shall be fined no more than Fifty Dollars (\$50.00) for each offense; each violation of the provisions of this Act shall constitute a separate offense.

SECTION 5. The Judge of the Juvenile Court shall be vested with power to hear all cases coming within the provisions of this Act.

SECTION 6. Should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof other than the part so held to be unconstitutional.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County before July 1, 1969. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 7, it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: May 6, 1969.

LAW ENFORCEMENT

OFFENSES

DAIRY PRODUCT LABELS

PRIVATE ACTS OF 1935

CHAPTER 782

SECTION 1. That

(a) any person, firm or corporation engaged in the manufacture, storage, transportation, sale, and/or delivery of milk, butter milk, cream or other dairy products, in Counties having a population of not less than 222,850 by the Federal Census of 1930 or any subsequent Federal Census, and using in such business, or using for the handling of other beverages or foods dealt in as incidental to such dairy business, bottles, cans, cases, crates or other containers having the name, mark, stamp or brand of such person, firm or corporation permanently affixed thereto, may register in the office of the Clerk of the Circuit Court of such County, such name, mark, stamp or brand in the manner now prescribed for registering trade marks, provided such name, mark, stamp or brand can be distinguished from any other name, mark, stamp or brand theretofore registered. There shall be paid for such filing a registration fee of five dollars. Said Clerk of the Circuit Court shall deliver to such person, firm, or corporation so filing or causing to be filed, any such name, mark, brand or stamp, so many duly attested certificates of the recording thereof, as such person, firm or corporation may apply for, and shall receive for each of such certificates issued by said Clerk a fee of One Dollar.

(b) In all prosecutions under this Act, such certificate shall be prima facia evidence of the adoption of and ownership of such name, mark, stamp or brand, and the right of the person, firm or corporation named therein to adopt and use the same and to transfer or assign the right to use the same.

(c) Nothing in this Act, however, shall be construed as permitting the registration or use by any person, firm or corporation, of any name, mark, stamp or brand, design or device, which, but for this Act, such person, firm or corporation would not be entitled to use, nor shall anything in this Act be construed as preventing any person, firm, or corporation engaged in the State of Tennessee in the business above described, from registering under the present provisions of law governing registration of trade marks, devices, or designs now used by said person, firm or corporation to advertise his or its products, or later adopted by such person, firm or corporation, so long as such trade mark, design or device so adopted does not conflict with one theretofore registered under this Act, or under the general law governing registration of trade marks.

As amended by: Private Acts of 1937, Chapter 896.

SECTION 2. That such mark, stamp or brand may consist of a name, design or device either in color or in plain lettering or drawing, and may be affixed in any suitable permanent manner to the container.

SECTION 3. That it shall be unlawful for any person, firm or corporation, other than the one named in the certificate issued by the Clerk of the Circuit Court as provided in Section 1 hereof, without the written consent of the one so named:

(a) To use the name, mark, stamp or brand described in such certificate, upon any container for any commodity.

(b) To fill any container bearing such name, mark, stamp or brand, with milk, butter milk, cream or any other substance.

(c) To deface, erase, obliterate, cover up, or otherwise remove or conceal any such name, mark, stamp or brand on any such container.

(d) To buy [sic] sell, traffic in or destroy any such container bearing such name, mark, stamp or brand.

SECTION 4. That any person having in possession or under control any container bearing a name, mark, stamp or brand registered as provided in Section 1 hereof, and not holding a written transfer or bill of sale therefor, from the person, firm or corporation named in the certificate provided for in said section or other authority in writing from such person, firm or corporation, shall upon demand, deliver such container to the person, firm or corporation named in such certificate, his transferees or assigns, or to the authorized agent thereof, and any person failing or refusing to deliver the same when so demanded shall be guilty of a misdemeanor.

SECTION 5. That the person, firm or corporation named in any such certificate, or his transferees or assigns, may, upon application therefor, have search warrants to issue to search for containers bearing the name, mark, stamp or brand described in such certificate, in the manner and form and under the conditions under which search warrants are now issued, to search for personal property, upon the showing to the Justice of the Peace or Court authorized to issue search warrants that there is probable cause to believe such marked containers to be upon the premises to be searched, or in the possession of the person named in such search warrant. This remedy is cumulative and the exercise thereof shall in no way interfere with other remedies or proceedings provided for hereunder.

SECTION 6. That the requiring of, or taking of any deposit for any purpose, upon any such container, so marked, shall not be deemed or held to be a sale either optionally or otherwise under any proceeding under this Act.

SECTION 7. That any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined for each offense by a fine or not less than five dollars or more than \$100.00 or by imprisonment in the County Workhouse not to exceed thirty days, or both.

SECTION 8. That if, for any reason, any section or part of this Act, shall be declared invalid, the invalidity of such section or part, shall not otherwise affect its validity.

SECTION 9. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1935.

LAW ENFORCEMENT

OFFENSES

DESTRUCTION OF WEEDS

PRIVATE ACTS OF 1967-68

CHAPTER 258

SECTION 1. That the Board of Commissioners of Shelby County is authorized to regulate and control by resolution the cutting of rank weeds, grasses or other underbrush deemed in the discretion of the Board of Commissioners to constitute a health or traffic hazard to the people, the public welfare requiring.

SECTION 2. That the Board of Commissioners of Shelby County shall have the authority to compel the owner, occupant or tenant of any property in Shelby County lying outside the boundaries of an incorporated municipality to cut or destroy such weeds, grasses or other underbrush. The Board of Commissioners shall also have the power upon the refusal of the owner, occupant or tenant to cut or destroy such weeds, grasses or other underbrush, or in case the owner of the property is a non-resident or unknown, to cut or destroy such weeds, grasses or other underbrush and shall have a lien upon the property for the cost of such removal, which lien may be enforced by attachment suit in any court of competent jurisdiction.

SECTION 3. That the failure or refusal of the owner, occupant or tenant to cut or destroy such weeds, grasses or other underbrush upon order of the Shelby County Board of Commissioners or any person acting in their behalf shall be unlawful and is hereby declared to be a misdemeanor under the small offense law and punishable upon conviction by a fine not to exceed Fifty Dollars (\$50.00).

SECTION 4. That the provisions of this Act shall not apply to rural farm lands consisting of ten (10) or more acres located within Shelby County and beyond the boundaries of any municipality, except where in the discretion of the Board of Commissioners such growth of weeds, grasses or other underbrush constitutes a traffic hazard necessitating its removal for the safety and welfare of the citizens.

SECTION 5. That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 6. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date.

Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of Shelby County and shall be certified by him to the Secretary of State.

SECTION 7. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 6 herein and as otherwise provided by this Act.

SECTION 8. As an additional and cumulative remedy the Board of Commissioners of Shelby County may by resolution provide that on certification of the costs of cutting weeds, grasses or other underbrush upon the property described in said Act, to the County Trustee, it shall be the duty of the County Trustee to put the amount so certified on the tax bill against said property, and it shall be the duty of the County Trustee to collect, as a special tax, the amount so certified, and for the purposes of this Act, the costs of cutting weeds, grasses or other underbrush upon any property described in this Act may by resolution duly passed be declared to be a special tax to be collected as other general taxes levied by such county are now or may be hereinafter collected.

As amended by: Private Acts of 1970, Chapter 242.

Passed: May 25, 1967.

LAW ENFORCEMENT

OFFENSES

FIREWORKS

PRIVATE ACTS OF 1961

CHAPTER 405

SECTION 1. That in the sale or use of fireworks as defined in Section 53-3008 of the Tennessee Code Annotated shall, and the same is prohibited in counties having a population of 600,000 or more by the Federal Census of 1960, or any subsequent Federal Census, except as hereinafter provided.

SECTION 2. That nothing herein shall restrict or prohibit public displays when a permit therefor has been issued by the State Fire Marshall, as provided in Section 53-3007 of the Code of Tennessee Annotated.

SECTION 3. That violations hereof shall be a misdemeanor, punishable by a fine of not more than Fifty Dollars (\$50.00).

SECTION 4. That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any county to which it may apply by a vote of not less than two-thirds ($\frac{2}{3}$) of the members of said Court such approval to be made by said Court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1961, the public welfare requiring it becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the said Court to the Secretary of State.

Passed: March 15, 1961.

LAW ENFORCEMENT

OFFENSES

GASOLINE STORAGE

PRIVATE ACTS OF 1943

CHAPTER 4

SECTION 1. That it shall be unlawful in counties having a population of 350,000 or more, according to the Federal Census of 1940, or any subsequent Federal Census, to store gasoline, kerosene, or other combustible or explosive petroleum products in quantities of more than five (5) gallons, except in underground or other tanks, the installation for which has been approved and permitted by the County Planning Commission or Board of Adjustment of such county; or except in vehicles in which it is used for their operation, or in containers carrying the label of approval of Underwriters' Laboratories.

SECTION 2. That any person violating the terms of this Act shall be guilty of a misdemeanor and subject to a fine of not less than ten dollars (\$10) nor more than fifty (\$50) dollars for each day such petroleum products are stored in violation hereof.

SECTION 3. That the Courts of General Sessions in such counties shall have jurisdiction for hearing and determining cases arising under this Act, fixing the punishment therefor.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 8, 1943.

LAW ENFORCEMENT

OFFENSES

SECONDHAND AUTOMOBILE

PRIVATE ACTS OF 1917

CHAPTER 110

SECTION 1. That in counties having a population of 190,000 or more by the Federal Census of 1910 of any subsequent Federal Census, it shall be the duty of every dealer in second-hand automobiles, trucks, motorcycles, and other self-propelled vehicles, and second-hand bicycles, and second-hand accessories for all such vehicles, to keep a well bound book and enter therein in legible manuscript or typewriting a particular, minute and detailed description of every second-hand automobile, truck, motorcycle, or other self-propelled vehicle, and every second-hand bicycle, and all second-hand accessories of every kind for any of such vehicles bought, exchanged, or traded for by said dealer; also the name, color, and residence of the party or parties selling, trading, or exchanging same; such entries in said book to be made immediately after said dealer acquires such vehicle and articles, and said book to be indexed and opened at all times to the inspection of the police or other officers. And *provided further*, that it shall be unlawful under any circumstances to exchange, purchase from, or trade for any above the named vehicles or articles from a minor unless written permission be given by the parents or guardian of such minor and filed as a part of the record of the transaction.

SECTION 2. That every person, firm or corporation engaged in said business in said counties shall prepare and deliver to the Chief of Police or Chief of Detectives of the town or city in which said business is carried on, every day before the hour on nine o'clock A.M., a legible copy of such register and the description of all second-hand automobiles, trucks, motorcycles and bicycles with the motor numbers, factory numbers or engine numbers thereof and a description of all second-hand accessories purchased or traded for during the preceding day. If said business is carried on in a town or city where there is no Chief of Police or Chief of Detectives then said description of the various articles, as aforesaid shall be delivered to the Mayor of said town or city, if any, otherwise to the Sheriff of the county in which said business is located.

SECTION 3. That no second-hand automobile, truck, motorcycle, or bicycle, or any second-hand accessories purchased or traded for shall be disposed of or permitted to be sold or disposed of by said dealer for a period of twenty-four hours after the copy of said register, description and information provided for in the preceding section shall have been delivered to the Chief of Police, Chief of Detectives, Mayor or Sheriff, as therein provided.

SECTION 4. That a failure on the part of any dealer in the second-hand vehicles and articles hereinbefore mentioned, to do and perform all and any of the things required in this Act shall constitute a misdemeanor and be punishable by a fine of not less than twenty-five dollars and not more than one hundred dollars upon conviction in any Criminal Court having jurisdiction.

SECTION 5. That this Act shall not apply to dealers or agents who handle new automobiles and accept old automobiles as part payment for new automobiles.

SECTION 6. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1917.

LAW ENFORCEMENT

OFFENSES

WHEEL DISCS

PRIVATE ACTS OF 1984

CHAPTER 210

SECTION 1. Any person, firm or corporation engaged in the sale of wheel discs to the public shall maintain written records each week identifying the source of any wheel disc sold to such person, firm or corporation. Such records shall include the date of sale, the name, social security number and driver's license number of the person from whom the discs were purchased and the number and type of discs sold by such person, firm or corporation on that date. As used in this act, "week" means each period of Monday through Saturday.

SECTION 2. Each Wednesday, a copy of the written records for the previous week shall be furnished to the sheriff's department of any county to which this act applies and the police department of any municipality located within such county. The sheriff and police departments shall analyze such records for the purpose of determining if any such wheel discs are stolen and the person or persons responsible for such theft.

SECTION 3. Any person, firm or corporation who violates the provisions of this Act shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each day that wheel discs are purchased in violation hereof or for each day that the required records are not timely furnished.

SECTION 4. The Courts of General Sessions in any county to which this Act applies shall have jurisdiction for hearing and determining cases arising under this act and fixing the punishment therefor.

SECTION 5. This Act shall apply in any county having a population of six hundred thousand (600,000) or more according to the 1980 Federal Census of population or any subsequent Federal Census, and shall take effect in any county to which it may apply upon its approval by a two-thirds ($\frac{2}{3}$) vote of the legislative body of any such county.

SECTION 6. For this purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: May 3, 1984.

LAW ENFORCEMENT

OFFENSES

WRECKER OR TOWING SERVICE LICENSES

PRIVATE ACTS OF 1961

CHAPTER 189

SECTION 1. That for the purpose of this Act a wrecker or towing operator shall be deemed to be any person, firm or corporation engaged in the business of offering towing service by use of a wrecker or by an automobile adapted to that purpose, said service being the towing or otherwise removing disabled motor vehicles from the place where they had been disabled.

Storage, for the purpose of this Act consists of storing a motor vehicle within or on a building or place being used by the towing operator as his place of business.

SECTION 2. That no wrecker or towing operator shall engage in the business within Shelby County or offer such service to any motor vehicle upon the roads, streets or highways of Shelby County unless a license is obtained from the Clerk of the County Court for each wrecker or towing car operated by said wrecker or towing operator. A fee of one dollar shall be paid to the County Court Clerk for the handling and issuing of the license.

SECTION 3. That the Sheriff of Shelby County shall promulgate a complete set of Rules and Regulations describing in detail the procedure to be observed by any such Licensee. The Sheriff shall have authority to change such Rules and Regulations whenever, in his judgment, the interest of the County requires such change or revision, such change or revision to be submitted to be approved by the Shelby County Commissioners before becoming effective.

SECTION 4. That the maximum charges for wrecker, towing and road service within the limits of Shelby County shall be set by the Sheriff subject to approval by the County Board of Commissioners.

As amended by: Private Acts of 1979, Chapter 147.

SECTION 5. That any person, firm or corporation desiring to obtain a towing license shall file with the Sheriff an application setting out, among other things, the following:

1. Name and address of person, firm or corporation desiring license.
2. The location, description and hourly availability of wreckers owned or operated by the applicant.

3. A statement setting forth and describing available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.

4. The number of wreckers or towing cars owned or available for use by applicant.

5. A statement that applicant intends to comply with the fees and schedule of charges as herein provided and the Rules and Regulations to be promulgated by the Sheriff.

6. That applicant is in position to and will provide twenty-four hour service, including holidays, and that he will have at all times a minimum of two (2) wreckers or towing cars and two (2) men on duty or available at all times in any twenty-five hour period.

7. That all wreckers or towing cars will be fully equipped at all times with emergency equipment, such as flags, flares, axes, shovels, fire extinguisher and brooms.

SECTION 6. That the Sheriff shall investigate or cause to be investigated each applicant for the purpose of determining whether or not the applicant has the necessary facilities to qualify as a wrecker or towing car operator, and if the applicant is qualified to recommend to the Shelby County Commissioners that a license be issued to the applicant.

SECTION 7. That when an application has been approved the Clerk of the County Court shall grant a towing license to the applicant upon the payment by the applicant of an annual license fee. The annual license fee shall be \$5.00 for each towing car or wrecker unless application is made after July 1st, in which event it shall be \$2.50 for the remaining period of the year. This fee shall be in addition to the fee for handling set out in Section 2 hereof. All licenses shall expire on December 31st, and shall be renewed between December 1st, and December 31st of each year.

Before the Clerk of the County Court shall issue any license the applicant shall deposit with the Clerk of the County Court a certificate of an Underwriter that applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the State of Tennessee as follows:

"A garage-keeper's legal liability policy covering fire, theft, explosion and collision in the following amounts:

"Fire, Theft and Explosion all in the minimum amount of \$10,000.00; collision, subject to \$100.00 deduction, with each accident being separate claim.

"A garage liability policy covering the operation of applicant's own business, equipment or vehicle, for bodily injuries in the amount of \$25,000.00 for any one person killed or injured, and \$50,000.00 for more than one person injured or killed in any one accident; \$5,000.00 for all damage arising, injury to or destruction of property.

"The policy or policies must contain an endorsement providing for ten (10) days' notice to the County of Shelby in event of any material change or cancellation of the policy of policies."

SECTION 8. That whenever the Clerk of the County Court shall issue a license under the provisions of this Act he shall furnish the Licensee with a sticker having printed thereon the year for which the license has been taken out.

SECTION 9. That every person, firm or corporation receiving a license pursuant to Section 8 hereof shall be issued a license sticker which shall at all times be prominently displayed on the windshield of each wrecker or automobile used for towing purposes.

SECTION 10. That the owner or operator of a towing car or wrecker shall have inscribed on each side thereof, in letters not less than three (3) inches in height, the name and address of the Licensee.

SECTION 11. That the owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. The operator of a towing car before towing a disabled vehicle away shall prepare a bill on this billhead form in triplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. One copy shall be sent to the Sheriff, and the other copy retained by the owner of the wrecker or towing car. This bill shall contain the following information:

- (a) Name and address of person engaging towing car.
- (b) State license number of disabled vehicle.
- (c) Total amount to be charged for towing.
- (d) Storage rates per day, or parts thereof.
- (e) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of six (6) months, and shall be exhibited upon demand of the Sheriff or his duly authorized representative, or any person who removes the towed disabled vehicle from the original towing car owner's place of business to another place.

SECTION 12. That the wrecker or towing operator shall pull the wrecked vehicle to any place designated by the owner of such wrecked vehicle. Unless requested by the owner of such wrecked vehicle, the wrecker or towing operator shall not pull such wrecked vehicle to any location outside the limits of Shelby County. It shall be unlawful for the owner of a wrecker, his agent, employee or representative, at the scene of any accident to high-pressure or otherwise coerce or insist upon any owner of a wrecked vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked vehicle.

SECTION 13. That it shall be unlawful for the owner of any wrecker or towing car to go to any place where an accident has occurred unless called by the owner or his authorized representative or by the Police or Sheriff's Dispatcher. It shall be unlawful for the owner of any wrecker or towing car to go to the place of a wreck by reason of information received by short wave or Police or Sheriff's radio.

SECTION 14. That it shall be unlawful for any County employee to solicit business for any wrecker or towing car operator, and any employ guilty of violating the provisions of this Act shall forfeit his or her right to continue as such employee, and shall be subject to discharge.

SECTION 15. That it shall be unlawful to drive along any street or bridge and solicit towing work. Solicitation of towing work by the operator or other occupant of a licensed towing car while parked on any street or bridge is also prohibited. A towing car operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in Section 13 hereof. Responding to a call upon notice from gas station attendants, taxicab drivers, or unauthorized persons shall be considered a violation of this Act.

SECTION 16. That the Sheriff shall revoke the license of any Licensee on any of the following grounds:

(1) If said license was procured by fraudulent conduct or false statement of a material fact or that a fact concerning applicant was not disclosed at the time of his making application that would have constituted just cause for refusing to issue said license.

(2) If the Licensee proceeds to the scene of the accident in violation of the provisions of this Act.

(3) If the Licensee uses a short wave or Police or Sheriff's radio to obtain information as to location of the accident.

(4) If the Licensee shall pay in the form of a gratuity to any person not involved in the accident for information as to the location of the accident.

(5) If the Licensee has violated the fee schedule by overcharge or has violated any of the Rules and Regulations established by the Sheriff.

Such revocation shall terminate all authority and permission heretofore granted by said license to the Licensee. Any person, firm or corporation whose license has been revoked shall not be eligible to again apply for a license for a period of one (1) year from the date of such revocation.

The period for which the license is terminated shall be set by the Sheriff for any reasonable and just length of time.

SECTION 17. That any person, firm or corporation violating any of the provisions of this Act or who shall engage in business as a wrecker of towing car operator without a license as herein provided shall be guilty of a misdemeanor, punishable by a fine of \$50.00, and each violation shall constitute a separate offense.

SECTION 18. That is any Section, paragraph, clause or sentence of this Act shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remaining Sections, paragraphs, clauses and sentences.

SECTION 19. That this Act shall not have the effect of replacing or repealing any existing or subsequent Ordinance of the City of Memphis except insofar as in direct conflict therewith, or when such existing or subsequent Ordinances provide lower standards than those set forth in this Act.

SECTION 20. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

Passed: March 8, 1961.

LAW ENFORCEMENT

OFFENSES

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

LAW ENFORCEMENT

SHERIFF

PRIVATE ACTS OF 1959

CHAPTER 184

SECTION 1. That all abandoned, stolen, and/or recovered property of every kind and character, other than as provided in Section 8 herein, but including motor vehicles which shall remain unclaimed with the Sheriff's Office of Shelby County for the period of ninety days (90), the owners of which whether known or not, shall fail or refuse within said period of ninety days (90) to claim or reclaim such property, may be sold and disposed of at public auction as herein provided. By virtue of this Act the County of Shelby shall have authority to divest and vest title to property sold under the hereinafter stated provisions.

SECTION 2. That the Sheriff of Shelby County shall give to the purchasing agent of Shelby County a list of all property subject to sale hereunder and shall thereafter deliver said property, except motor vehicles, to the purchasing agent before the date of sale, and take a receipt from the purchasing agent showing in detail all property so delivered. Motor vehicles shall be kept by Sheriff until a sale has been made.

SECTION 3. That thirty days (30) notice of the time and place of sale, and a descriptive list of the property and/or motor vehicles to be offered for sale, shall be posted at the Courthouse door of Shelby County, Tennessee, and at another public place in the County, and a copy thereof sent by registered mail to the last known address of the owner (in the event the name of the owner is known to the purchasing agent), and thereafter said property shall be offered at public auction to the highest bidder for each piece of property or assembled in lots, whichever, in the discretion of the purchasing agent of Shelby County, shall tend to bring the best price for said property, except motor vehicles shall be sold separately.

SECTION 4. That said public auction shall be conducted at the place and hour designated in the notice, and all sales shall be for cash.

SECTION 5. That the purchasing agent shall conduct said public auction, and he shall keep an accurate statement of each article and/or motor vehicle sold, and the price bid and paid therefor, and shall make a complete report in writing to the Chairman of the Quarterly County Court of Shelby County of the time and place where said sale was conducted and all funds received on account of said auction sale, which shall be delivered to the Chairman of the Quarterly County Court of Shelby County who shall give his receipt therefor.

SECTION 6. That the Chairman of the Quarterly County Court of Shelby County is hereby required to place all funds received by him under and by virtue of this Act to the credit of the general fund of the County of Shelby, to be thereafter appropriated as the Quarterly County Court of Shelby County shall order.

SECTION 7. That any property as herein provided which, after having been listed, advertised, and offered for sale, shall bring no price, then and in that event the purchasing agent shall deem such property as worthless and shall dispose of said property in such manner as he and the Sheriff may deem right and proper, and he shall report to the Chairman of the Quarterly County Court of Shelby County the date and manner of the disposal of such worthless property.

SECTION 8. That nothing in this Act shall be construed as repealing the provisions of any other Act now in effect which provides for the disposition of abandoned, stolen, recovered and/or contraband property.

SECTION 9. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or the reverse, and shall be certified by him to the Secretary of State.

SECTION 10. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1959.

LAW ENFORCEMENT

SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. The qualifications for the office of sheriff are more stringent than for most county offices. These qualifications are detailed in T.C.A. § 8-8-102. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is determined in accordance with T.C.A. § 8-24-102. The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 et seq. Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement, county jails and workhouses.

The following acts have no current effect but are included here for reference purposes since they once applied to the Shelby County Sheriff's Office.

1. Public Acts of 1859-60, Chapter 125, authorized the sheriff of Shelby County to appoint five deputies.
2. Public Acts of 1861 (Ex. Sess.), Chapter 21, authorized the sheriffs of Hawkins, Shelby and Dyer counties to appoint two extra deputies for their offices.
3. Private Acts of 1917, Chapter 77, set the salary of the sheriff of Shelby County to \$6,500 per annum.
4. Private Acts of 1919, Chapter 755, fixed the fees of the sheriffs for attendance on court in counties having a population of 190,000 or more according the Federal Census of 1910. A fee of \$3.50 was set for each day's attendance on court.
5. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Sheriff to \$7,500 per annum.
6. Private Acts of 1927, Chapter 682, set the sheriff's salary at \$10,000 per year.
7. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Sheriff to \$7,500 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the sheriff to \$8,250 per annum.
8. Private Acts of 1947, Chapter 517, authorized the quarterly county court to appropriate such additional funds as necessary to supplement the sheriff's fees so that he could properly and efficiently administer his office.

9. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the sheriff to \$8,800 per annum.
10. Private Acts of 1965, Chapter 252, attempted to create a civil service system for sheriff's employees, but the quarterly county court did not approve the provisions of the act so it never came into effect.
11. Public Acts of 1978, Chapter 934, extended the term of office for the sheriff from two years to four years and removed the limitation of three on the number of terms the sheriff could serve. Effective September 1, 1978, county rangers were abolished.
12. Public Acts of 1979, Chapter 249, allowed the sheriff under certain conditions to work prisoners who were sentenced to the county jail, or workhouse, for eleven months and twenty-nine days, or less, picking up trash and litter from the public roads and highways. The state department of transportation could supply a truck and a driver to assist in this program.

CHAPTER XI - PARKS - RECREATION

PARKS - RECREATION

NONCONNAH CREEK

PUBLIC ACTS OF 1971

CHAPTER 366

COMPILER'S NOTE: The provisions of this public act are not found in Tennessee Code Annotated but have special effect concerning only Shelby County.

Public Acts of 1981, Chapter 475, amended various Sections of the State Code so that it would be legal in Shelby County, population identified, to sell wine and alcoholic beverages in Urban Park Centers, in the county and in the cities, as the Centers are legally defined in the Act. Employees are forbidden to profit from the sale of the same beyond the amount of their salary.

WHEREAS, it is desirable and incumbent upon the State and Local Governments to join together in solving problems of mutual concern and benefit, especially with regard to water resources development; and

WHEREAS, there has been prepared for the Nonconnah Creek Basin a surface water management plan embracing flood control, erosion and sediment pollution abatement, improvement of water quality, contributing to water oriented recreation in the most populated section of Tennessee, enhancing the economic land use capabilities of several counties in Tennessee and Mississippi; and

WHEREAS, the preparation of such plan was sponsored and funded jointly by local-state and federal interests, it being desirous that the management and wise utilization of water resources involved cooperative action by all levels of government; and

WHEREAS, The reservoir site No. 3 in the Nonconnah Creek Basin plan is quite well adapted to the establishment of recreation water storage of approximately 1900 acres with flood storage and additional park lands adding approximately 2100 acres; and

WHEREAS, The Quarterly County Court of Shelby County and the Memphis City Council have each approved capital improvement funds in the amount of three hundred seventy-five thousand dollars (\$375,000.00) per annum for the Nonconnah Creek Plan to extend over a period of five years.

SECTION 1. The Commissioner of Conservation is authorized and directed to negotiate with the Shelby County Conservation Board relative to the establishment of a state park and lake in Shelby County, more particularly described as No. 3 reservoir in the Nonconnah Creek Basin Plan.

SECTION 2. The Commissioner of Conservation shall, on behalf of the Shelby County Conservation Board, secure an interstate contract with the Sovereign State of Mississippi relating

to the control of: soil erosion, sediment transport, water quality, and flood control in the Nonconnah Basis [sic] upstream from No. 3 reservoir and in Mississippi.

SECTION 3. The Conservation Commission shall sponsor the No. 3 reservoir on Nonconnah Creek in Shelby County, as a state park, and shall require financial contributions from local interests including Shelby County and the City of Memphis. The contributions shall total not less than 25% of the total cost of acquisition of lands needed and development costs of No. 3 reservoir and park.

SECTION 4. The Commissioner of Conservation shall secure the financial assistance of such federal agencies as: United States Department of Agriculture (Public Law 566, United States Department of the Interior, BOR, United States Department of Housing and Urban Development (open space), United States Army (Corps of Engineers). This being a unique manner of approach to joint urban and rural planning and development, it is possible that this multipurpose development may justify a demonstration status.

SECTION 5. There is appropriated seven hundred fifty thousand dollars (\$750,000.00) for fiscal year 1972 said funds to come from general obligation bonds for general improvement.

SECTION 6. That this Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 20, 1971.

CHAPTER XII - PUBLIC UTILITIES

PUBLIC UTILITIES

DISSOLUTION OF DISTRICTS

PUBLIC ACTS OF 1973

CHAPTER 204

COMPILER'S NOTE: The provisions of this act are not found in Tennessee Code Annotated and so are included in this volume.

SECTION 1. In all counties having a population of 500,000 or more according to the federal census of 19 [sic] or any subsequent federal census, the quarterly county court shall have the power, by majority vote, to dissolve any utility district contained wholly within the county, to cause all of the functions, rights, duties, property, assets, and liabilities of such utility district to be transferred to the county, and to authorize and direct the county board of public utilities, created pursuant to Tennessee Code Annotated, Section 5-1601 and following, to take over the management, operation and maintenance thereof. In the event that the county quarterly court exercises its power to do so, it shall enter an order providing for the allocation and conveyancy to the county of all functions, rights, duties, property, assets and liabilities of such utility district. The county, if and to the extent that it may choose, shall have the exclusive right to perform or provide utility functions and services within the area in which such functions and services were formerly performed and provided by the utility district, notwithstanding Section 6-2607 or any other statute. If the utility district has outstanding bonds or other obligations payable from the revenue derived from the sale of utility service, the order shall provide (a) that the county board of public utilities will operate the utility property in such territory and account for the revenues therefrom in such manner as not to impair the obligations of contract with reference to such bonds or other obligations, or (b) that the county board of public utilities will assume the operation of the entire utility system of such utility district and the payment of such bonds or other obligations in accordance with their terms. Such order shall fully preserve and protect the contract rights vested in the holders of such outstanding bonds or other obligations, and shall provide either:

(a) that the county shall call and pay in full all bonds and interest which are then callable in accordance with the terms of the bonds and the bond resolution of the district; or, in the alternative,

(b) that the county shall establish an escrow account for the benefit of the bondholders in a depository qualified by law to hold county funds, such escrow account to be funded with a cash sum in an amount equal to the face amount of bonds then outstanding and unpaid, together with interest thereon to maturity. Such escrow account shall secure the payment of the outstanding bonds and interest, and shall be available for the satisfaction in full of the legal rights of each bondholder. As outstanding bonds are paid, the cash sum in the escrow account may be reduced accordingly; or in the alternative,

(c) in the event call or escrow is not required under the terms of the applicable bond resolutions or underlying trust indentures, and there is no prohibition against the transfer or

conveyance of the assets of the district by the commissioners, that the county may at its option elect simply to pay the bonded indebtedness in accordance with the terms of such resolutions or indentures.

SECTION 2. In the event of the dissolution of a utility district pursuant to this Act, each commissioner of the district is authorized and empowered to execute any documents or take any other action necessary to transfer the functions, rights, duties, property, assets and liabilities of the district to the county, and in the event that any commissioner of any utility district is sued by any bondholder (s) or creditor (s) of the utility district for damages upon the basis of any provision of the applicable bond resolution (s) alleged to prohibit such transfer of the assets of the utility district, the county will indemnify such commissioner and hold him harmless from any liability based upon the alleged violation of such provision by the transfer of assets to the county pursuant to this Act. Such indemnity shall include all reasonable costs and fees incurred in defense or any legal action against such commissioner asserting such liability.

SECTION 3. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act, and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 4. This act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 3, 1973.

PUBLIC UTILITIES

LATE CHARGES

PUBLIC ACTS OF 1971

CHAPTER 398

COMPILER'S NOTE: The provisions of this act are not found in Tennessee Code Annotated, but are of special effect for Shelby County only.

SECTION 1. No utility company licensed or chartered under the laws of this state and doing business in municipalities having a population of 623,530 or more according to the 1970 federal census or any subsequent federal census, in the form of furnishing water, gas, electricity, or sewer services, or any combination thereof, shall assess prior to twenty-five (25) days from the regular meter reading date any late charges or penalty charges, such as that reflected in "gross" amounts payable, whether in the form of a percentage of the regular amount owed or any other form, on any customer's account provided said customer shall apply to said utility company for a set date to pay said bill per month within said 25 day period. However, nothing in this act shall be construed as prohibiting the granting of a discount to a customer on the regular amount owed for early payment or payment within a specified period of time.

SECTION 2. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 21, 1971.

CHAPTER XIII - TAXATION

TAXATION

DOG LICENSE TAX COLLECTOR

PRIVATE ACTS OF 1921

CHAPTER 8

SECTION 1. That the office of Assessor and Collector of Dog License Taxes, be and hereby is created for all counties, having a population of two-hundred and twenty thousand or more, according to the Federal Census of 1920, or any subsequent Federal Census; that the powers and duties of said Assessor and Collector shall be the same as those now conferred by Chapter 61 of the Public Acts of Tennessee, for 1919, entitled, "A Bill to be entitled, an Act to regulate the owning, keeping or harboring of dogs, so as to protect the safety of the people and of property; to provide a license fee to be paid for each dog owned, kept, or harbored in this State, and to provide for the disposition of such fees, to provide penalties for the failure of certain officers to enforce this Act, and provide penalties for a violation of the provisions of this Act." And such other powers and duties as may be hereinafter imposed.

SECTION 2. That the compensation of said Assessor and Collector of Dog License Taxes, shall be the sum of twenty-five cents, each for the first five thousand dog license taxes collected by him, forty cents each for the next five thousand collected, and fifty cents each, for all over twenty-thousand dog license taxes collected, which shall be paid him out of the amount collected as license for each dog, and the said Assessor and Collector of Dog License Taxes, shall also furnish to the owner for each dog paid for, a metal tag which shall be uniform and numbered consecutively with the number engraved thereon, corresponding with the receipt given said owner by the Assessor and Collector as aforesaid, in no event to cost over the sum of ten cents, which tag shall be paid for out of the amount collected as license.

As amended by: Private Acts of 1921, Chapter 926.

SECTION 3. That the said Assessor and Collector of dog license taxes, shall be elected by the County Court of such Counties coming within the provisions of this Act, at the first term of said Court, after the passage of this Act, and thereafter at the January term of said County Court every two years, the tenure of said Collector being for a period of two years.

SECTION 4. That the County Assessor and the County Trustees of such Counties coming within the provisions of this Act, shall have no further duty or right to assess or collect said dog license tax, but all of the powers and duties which are now imposed upon the County Trustees, and County Assessors, in regard to the assessing and collecting and accounting for such licenses shall be, and the same are hereby imposed upon the Assessor and Collector of Dog License Taxes, created under the provisions of this Act.

SECTION 5. That said Assessor and Collector herein provided for, shall give a bond executed by some approved and solvent surety company authorized to do business in the State, in

the penalty of Ten Thousand Dollars, payable to the State of Tennessee, conditioned for the faithful performance of the duties of said office, and said bond to be approved by the County Court of Counties coming within the provisions of this Act.

SECTION 6. That all laws and parts of laws in conflict hereto, be, and the same are hereby repealed.

SECTION 7. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 14, 1921.

TAXATION

PROPERTY TAX PAYMENTS

PRIVATE ACTS OF 1970

CHAPTER 320

SECTION 1. In counties having a population of Six Hundred Thousand (600,000) or more, according to the Federal Census of 1960 or any subsequent Federal Census, the Trustee is authorized to accept payment of property taxes in two (2) installments, the first being prior to December 1, and the second prior to March 1st. Provided, the first installment is not made prior to December 1, the entire tax must be paid in one installment prior to March 1st.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the quarterly county court of any county to which it may apply on or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 2, it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: February 18, 1970.

TAXATION

CIGARETTE TAX

PRIVATE ACTS OF 1955

CHAPTER 295

SECTION 1. That all Counties within the State of Tennessee having a population according to Federal Census of 1950 of 482, 393 or more and all incorporated Cities within such Counties be and they hereby are authorized to levy a privilege tax upon the purchase at retail of cigarettes of One Cent per package containing 20 or less cigarettes and for packages containing more than 20 cigarettes at the rate of One Cent for each 20 cigarettes or fraction thereof; said tax so levied being a privilege tax upon the consumer of said cigarettes to be collected as hereinafter provided.

SECTION 2. Definitions: For the purposes of this Act:

(a) The term "retailer" means a person who sells cigarettes for consumption and not for resale.

(b) The term "wholesaler" means the person who sells cigarettes to retailers and shall include distributors, manufacturers or any other person making sales to retailers.

SECTION 3. That the tax imposed under the authority of this Act by any County shall be levied upon the retail purchases of cigarettes made in such County from retailers whose places of business are located in the portions of such County outside the boundaries of any incorporated City.

A County may if it shall so determine, by appropriate resolution, levy the tax herein authorized upon all purchases of cigarettes within any City in the County which shall have failed to itself levy said tax on purchases within its boundaries, but shall not levy said tax within any city which has levied the tax within its boundaries.

The tax levied by the action of the Government of any incorporated City within such County shall be levied only on the retail purchases of cigarettes made from retailers whose places of business are located within the City Limits of such incorporated City imposing such tax by the authority of this Act.

Any City within a County having a population of 482, 393 or more according to the Federal Census of 1950 or any subsequent census may cause the provisions of this Act to become effective within its boundaries, even though the County itself or other Cities within such County, have failed to do so.

SECTION 4. That said tax shall be added by each and every wholesaler who sells cigarettes to retailers within such Counties and Cities, to each invoice for cigarettes sold to a retailer within a County or City which shall have levied the tax under the authority hereof and shall be collected by

such wholesaler from such retailer and remitted to said Counties and Cities as may be entitled thereto as hereinafter set out. Each such retailer shall include the amount of such tax paid by him to the wholesaler in the retail price charged by him to the consumer on each and every package of cigarettes sold.

SECTION 5. That it shall be unlawful for any retailer to sell any cigarettes within a County or a City which has adopted the provisions of this Act and levied the tax herein authorized without collecting the tax hereby authorized and each separate sale without the collection of such tax is hereby made a separate offense, punishable as hereinafter provided.

SECTION 6. That the tax hereby levied shall be remitted by all wholesalers who sell cigarettes within Counties and Cities which have adopted the provisions of this Act to the County Court Clerk, in the case of the County, and to that official who is charged with the duty of collection of privilege taxes within such City, or such other officer as may by resolution or ordinance be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The wholesaler is hereby required to collect the said tax from the retailer at the time of delivery of all cigarettes on which said tax is levied, and if credit be granted by the wholesaler to the retailer then the obligation to all Counties and Cities entitled to said tax shall be that of the wholesaler. The County Court of any County or the governing body of any City which has adopted the provisions of this Act is hereby authorized and empowered by Resolution in case of the County and by Ordinance in case of a City to provide reasonable rules and regulations for the implementation of the provisions of this Act. Without limitation upon the provisions of such Resolution or Ordinance such Resolution or Ordinance may provide for the making of a monthly tax return by the wholesaler under oath with such number of copies thereof as may be reasonably required by the collection of said tax and including such facts and information as may be deemed reasonable for the verification of the tax due and may provide for and require access to the pertinent records of all wholesalers at reasonable times. Such Resolution or Ordinance may likewise require the placing or printing by the wholesaler of a stamp upon each package of cigarettes showing the payment of said tax and in the event such provision is made then such stamps may be printed and sold by such Counties and such Cities to wholesalers. Such Resolution or Ordinance may also exempt from the tax herein provided all purchasers of cigarettes made upon any military base, post, hospital or other military establishment of the United States of America.

A County and a City within the County or two or more Cities within a County may contract with each other for the purpose of adopting common methods, measures, agencies, rules and regulations for the collection of their several taxes.

SECTION 7. That if the Counties and Cities levying the tax herein authorized shall elect by Resolution or Ordinance to provide and sell stamps to be affixed to packages of cigarettes, or shall elect by Resolution or Ordinance to permit the wholesaler to print a stamp on each package of cigarettes indicating the payment of the tax due thereon, it shall then be unlawful for a retailer or a consumer to have in his possession with such County or within such City any package or packages of cigarettes which are not so stamped or printed, and the possession of each and every package of unstamped cigarettes by a retailer or a consumer shall constitute a separate offense under the provisions of this Act, punishable as provided hereinafter.

SECTION 8. That each violation of any provision of this Act shall be punishable by a fine of not less than \$50.00 nor more than \$500.00.

SECTION 9. That each County and each City adopting the provisions of this Act may by Resolution or Ordinance, as the case may be, allow the wholesaler a discount of not to exceed 5% of the Tax collected by him as compensation for affixing or printing stamps, making reports and such other services as may be required of the wholesaler in the administration of the provisions of this Act.

SECTION 10. That if any portion of this Act shall be held invalid the remaining portions hereof shall not be affected.

SECTION 11. That this Act shall become effective as to any County or any City coming within the provisions hereof when the same shall have been approved by the County Court, in the case of the County, or by governing body of a City, in the case of a City, coming within the provisions hereof, by a vote of not less than two-thirds of the members of the County court or the governing of a City, as the case may be, such approval to be made by said County Court or said governing body of a City, as the case may be, within 60 days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1955, the public welfare requiring its becoming effective at that time, and this Act shall not become effective as to any County or any City before such approval by such County Court, in the case of a County, or such governing body of a City, in the case of a City. The approval or non-approval of this Act by said County Court and by said governing bodies of Cities shall be certified by the Chairman of the County Court, in the case of Counties, and by the Mayor of each City entitled to avail itself of the provisions of this Act to the Secretary of State.

Passed: March 1, 1955.

TAXATION

HOTEL TAX

PRIVATE ACTS OF 1969

CHAPTER 131

SECTION 1. Definitions. For the purposes of this Act:

(a) Person. "Persons" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration. Provided, however, such definition shall not include those establishments which furnish rooms to less than six persons.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than 90 continuous days, or, for persons directly involved with a film or video production that has received formal assistance from the Memphis and Shelby County Film and Television Commission, who exercise occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

As amended by: Private Acts of 2004, Chapter 118.

(e) Consideration. "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) County. "County" means any county within this state having a population of not less than 600,000 according to the Federal Census of 1960, or any subsequent Federal Census.

(g) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

As amended by: Private Acts of 1971, Chapter 173.

SECTION 2. Authority to levy tax. The county is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of not less than three per cent (3%) nor more than five per cent (5%) of the consideration charged by the operator. Said tax so levied is a privilege tax upon the transient occupying said room and is to be collected as hereinafter provided.

The rate of the tax levied under this act shall be adjusted annually by the County Quarterly Court at the amount, between three per cent (3%) and five per cent (5%) inclusive, as the previous year's experience indicates is required to, as nearly as possible, pay all of the bonded indebtedness, principle and interest and the expenses of the bond sale or sales incurred by the county and/or municipality for the purposes set forth hereinafter in this act.

SECTION 3. Tax Added to Room Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the County.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the County. When a person directly involved with a film or video production that has received formal assistance from the Memphis and Shelby County Film and Television Commission has maintained occupancy for thirty (30) continuous days, he shall receive from the operator refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

As amended by: Private Acts of 2004, Chapter 118.

SECTION 4. Remittance to Clerk. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the County which has adopted the provisions of this Act to the County Court Clerk or such other officer as may by Resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient; then the obligation to the County entitled to such tax shall be that of the operator.

SECTION 5. Rules and Regulations. The County Court which has adopted the provisions of this Act is hereby authorized and empowered by Resolution to provide reasonable rules and regulations for the implementation of the provisions of this Act. Without limitation upon the provisions of such Resolution, it may provide for the making of a monthly tax return by the operator under oath with such number of copies thereof as may be reasonably required by the collection of said tax and including such facts and information as may be reasonably required by the collection of said tax and including such facts and information as may be deemed reasonable for the

verification of the tax due and may provide for and require access to the pertinent records of all operators at reasonable time.

SECTION 6. Offer to Absorb Tax Prohibited. No operator of a hotel should advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the County Court Clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent ($\frac{1}{2}$ of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of \$50.00.

SECTION 8. Records. It shall be the duty of every operator liable for the collection and payment to the County of any tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the County, which records the County Court Clerk shall have the right to inspect at all reasonable times.

SECTION 9. Administration. The County Court Clerk in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For his services in administering and enforcing the provisions of this Act, the County Court Clerk shall be entitled to retain as a commission two and one-half percent ($2\frac{1}{2}\%$) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in T.C.A. 67-3033 it being the intent of this Act that the provisions of law which apply to the recovery of State taxes illegally assessed and collected be confronted to apply to the recovery of taxes illegally assessed and collected under the authority of this Act; Provided further, the County Court Clerk shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, with respect to the adjustment and settlement with taxpayers, all errors of County taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the County Court Clerk and the Resolution authorizing levy of the tax shall designate a County officer against whom suit may be brought for recovery.

SECTION 10. Initial Resolution, Application and Allocation of Revenue. The initial Resolution adopted by the County levying said tax shall be adopted not more than thirty (30) days after approval by the Quarterly County Court as provided in Section 12 of this Act; and said initial Resolution shall set the effective date of the tax which shall not be more than thirty (30) days after adoption of the initial Resolution, and shall further state the purpose of said tax to be the construction of an addition to the public Auditorium, or of additional facilities adjacent to the public

Auditorium, in the nature of a convention center, for conventions, exhibitions, meetings or similar large gatherings. Revenue from this tax shall be credited to a County Fund entitled, "The Auditorium Fund", under jurisdiction of the Chairman of the Quarterly County Court, and all such expenditures therefrom shall be for the stated purpose as provided in the County Resolution levying said tax. In the event that capital expenditures for construction of such facilities are made by the County alone, the revenue from this tax shall first be applied to payment of all bonded indebtedness, principal and interest and the expenses of the bond sale or sales incurred by the County for construction of such facilities; thereafter, the revenue from this tax shall be applied to reimburse the County in full for any and all capital expenditures by the County for construction of such facilities, made or financed by means other than bonded indebtedness, including but not limited to capital expenditures from general revenue, sinking fund for capital improvements and contributions in-kind of real or personal property.

In the event that a municipality within the County shall participate jointly with the County in the contribution of capital expenditures for construction of such facilities, the revenue from this tax shall be applied and allocated as follows:

(a) The revenue from such tax shall first be applied to payment of bonded indebtedness, principal and interest including expenses of the bond sale or sales, incurred by both the County and the municipality, or by either of them, for construction of such facilities and such revenue shall be allocated between the County and the municipality in such amounts necessary to meet the fiscal debt service requirements each year of both if there be sufficient funds. Such allocation shall be based upon actual bonded indebtedness incurred for such purpose, without deduction or offset due to any grant, credit or benefit which either government entity may be entitled by law to receive in connection with or as a result of such capital expenditures, such as but not limited to any grant, credit or benefit accruing under provisions of federal housing and urban renewal statutes.

The Chairman of the Quarterly County Court under whose jurisdiction shall be the Auditorium Fund as provided herein shall, excluding the first year in which this tax shall be levied and beginning June 30 of each year subsequent thereto or as soon as practicable thereafter but in no event more than ninety (90) days, calculate and pay over to the municipality that amount due such municipality from the proceeds of this tax levy during that fiscal year currently ending. Revenue derived from the levy of this tax during the first year in which said tax is levied shall be carried over for use in the next ensuing fiscal year in the payment of the allocable amounts to the County and the municipality in accordance with the provisions of Section 10 hereof where applicable.

(1) If at the close of any fiscal year, the revenue from such tax shall not be sufficient to meet the total debt service of both the County and the municipality for bonded indebtedness incurred for construction of such facilities, the available revenue from this tax shall be allocated between the County and the municipality in the same direct proportion as such bonded indebtedness of each bears to the total of such bonded indebtedness of both, calculated upon the basis of the total principal amount of all such bonds which have been issued by the County and the municipality at any time prior to the close of that fiscal year provided further, that the balance, if any, of such debt service of either the County or the municipality not paid by revenue of this tax at the end of each fiscal year shall be accumulated by each in a separate account (hereinafter referred to as "deficit account") which shall bear simple interest at the same rate as the bonds issued by each such governmental entity for construction of such facilities.

(2) If the revenue from such tax in any fiscal year exceeds the total of such debt service requirements for that year, such surplus revenue thus accruing may be retained by the Chairman of the Quarterly County Court as a sinking fund for such future debt service requirements or such surplus may be applied to the reduction of the deficit accounts of the County and the municipality in the same proportion as provided in sub-section (a) (1) hereof.

(3) In the event the total bonded indebtedness incurred for construction of such facilities by either the County or the municipality shall become paid in full as to bond principal and interest, including expenses of the bond sale or sales, and some portion of such bonded indebtedness of one governmental entity remains unpaid, then that governmental entity whose bonded indebtedness has been satisfied in full shall cease, for the time being, to share in the revenue of this tax, and the total revenue from this tax shall be applied toward payment of such outstanding bonded indebtedness of the other governmental entity. For purposes of this sub-section (a) (3) only, the bonded indebtedness of either the County or the municipality shall be considered paid in full whenever the bonded indebtedness obligation to the holders of such obligation shall have been satisfied in full, even though such obligations may have been paid in part from sources other than the revenue from this tax.

(b) Upon the total of such bonded indebtedness of both the County and the municipality being paid in full, principal and interest, including expenses of the bond sale or sales, then the revenue from this tax, together with any surplus revenue accumulated in accordance with sub-section (a) (2) hereof, shall next be applied to the County and the municipal accumulated deficit accounts as provided in sub-section (a) (1). For purposes of this sub-section (b) only, the revenue and surplus, if any, shall be allocated between the County and the municipality in the same direct proportion that such deficit account of each bears to the total of such deficit accounts of both governmental entities. Upon one of such governmental entities being reimbursed in full, both principal and interest on such deficit account, with a balance of the deficit account of the other governmental entity remaining unreimbursed, then the total revenue from this tax shall, for the time being, be applied to reimbursement of the deficit account of that governmental entity whose account remains unpaid.

(c) When both the County and the municipality shall have been reimbursed in full, principal and interest for such deficit accounts, in accordance with sub-section (b) hereof, then the revenue from this tax shall next be applied to reimburse both the County and the municipality for capital expenditures for construction of such facilities made from sources other than the proceeds of bonded indebtedness, including but not limited to, capital expenditures made from general revenues, sinking funds for capital improvements, and contributions in-kind of real or personal property. For purposes of this sub-section (c) only, the revenue from this tax, together with and including any surplus in the Auditorium Commission Fund, if any there be, shall be allocated fifty percent (50%) to the County and fifty percent (50%) to the municipality. When either of such governmental entities shall be reimbursed in full for all of such capital expenditures for construction of such facilities, then the total revenue from this tax shall be applied to reimbursement of the other governmental entity for such capital expenditures.

At the later of: (i) such time as the original issue of bonds issued to finance the construction of the Cook Convention Center and any bonds issued in accordance with subsections (e) and (f) of Section 10 hereof shall become paid in full as to both principal and interest and (ii) June 30, 2015, the taxing resolution shall be repealed and the tax shall no longer be levied; provided further that any

funds remaining in "The Auditorium Fund", after all obligations imposed under the provisions of this act shall have been fulfilled, shall be paid into a trust fund restricted to those uses in subsections (d), (e) and (f) of Section 10 hereof.

(d) Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from this tax over and above that amount which is required for each year's debt service on the existing and outstanding bonded indebtedness incurred by the city and the county for the construction of the existing Cook Convention Center, shall be used to provide funding for the Convention and Visitors Bureau or such successor agency which deals with the promotion of tourism in Memphis and Shelby County. Subject to the availability of funds, the Convention and Visitors Bureau or its successor agency shall receive an amount of three million three hundred thousand dollars (\$3,300,000) for fiscal year 1995 1996; provided further, that subject to the availability of funds, the amount of such funding shall increase by five percent (5%) per annum for each fiscal year thereafter until the tax provided for herein shall no longer be levied.

Subject to the restrictions and conditions set forth herein, the Memphis City Council and the Board of County Commissioners may appropriate all excess revenues derived from the levy of the tax provided for herein for the funding of the Convention and Visitors Bureau or its successor agency.

(e) If there be excess revenues remaining after each year's debt service on the existing and outstanding bonded indebtedness incurred by the city and the county for the construction of the existing Cook Convention Center and after funds have been provided to the Convention and Visitors Bureau or its successor agency as prescribed in Section 10, subsection (d) hereof, then such excess revenues shall be applied to payment of bonded indebtedness (issued after January 1, 1995), principal and interest including expenses of the bond sale or sales, in aggregate principal amount of not exceeding eleven million five hundred thousand dollars (\$11,500,000) incurred by the county for construction of improvements to the Pyramid Arena. Such payment shall be based upon actual bonded indebtedness incurred for such purpose, without deduction or offset due to any grant, credit or benefit which the county may be entitled by law to receive in connection with or as a result of such capital expenditures, such as but not limited to any grant, credit or benefit accruing under provisions of federal housing and urban renewal statutes.

(f) If there be excess revenues remaining after each year's debt service on the existing and outstanding bonded indebtedness incurred by the city and the county for the construction of the existing Cook Convention Center, after funds have been provided to the Convention and Visitors Bureau or its successor agency as prescribed in Section 10, subsection (d) hereof, and after each year's debt service on the existing and outstanding bonded indebtedness (issued after January 1, 1995), in aggregate principal amount of not exceeding eleven million five hundred thousand dollars (\$11,500,000), incurred by the county for construction of improvements to the Pyramid Arena as prescribed in Section 10, subsection (e), such funds must be used for one of the following purposes or any combination thereof: (1) to fund the payment of any capital improvement project expenditures relative to the existing Cook Convention Center and Auditorium that have been made by the city and the county in the past, present, or the future, including, but not limited to, debt service, interest, and pro rata issuance costs which are additional to the construction costs or (2) to provide additional funding to the Convention and Visitors Bureau or its successor agency, or (3) to fund the operating deficit, if any, of the existing Cook Convention Center and Auditorium or (4) to

the payment of bonded indebtedness, principal and interest including expenses of the bond sale or sales, incurred by the city and county, or by either of them, for construction or modification of a sports facility, as designated by the Mayor of Memphis and the Memphis City Council and the Mayor of Shelby County and the Shelby County Board of County Commissioners.

As amended by: Private Acts of 1987, Chapter 85,
Private Acts of 1995, Chapter 74,
Private Acts of 2001, Chapter 57.

The County is authorized to pledge the revenue from this tax or any part thereof in payment of any bonds issued under any bond Act, including but not limited to the "County Recovery and Postwar Aid Act of 1945", as amended, Tennessee Code Annotated, for construction of such facilities; and any municipality participating in the capital expenditure for construction of such facilities is authorized to pledge its right to receive any funds from the County as provided in this Act, or any part thereof, in payment of any bonds issued by such municipality under any Municipal Bond Act for construction of such facilities.

SECTION 11. Severability Clause. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 12. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any County to which this Act may apply not more than sixty (60) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 13. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 12 herein and as otherwise provided in this Act.

Passed: May 2, 1969.

TAXATION

ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary provided for the assessor by T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Shelby County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1867-68, Chapter 87, provided for the election of a tax collector for Shelby County. The collector was in charge of the collection of taxes on privileges for Shelby County and required to hold offices for two years.
2. Public Acts of 1869-70, Chapter 9, provided that the county court clerk was to deliver the tax books for 1869 to the tax collector on or before the first Monday of January, 1870. The tax collector then had to give twenty days notice of when and where he would collect taxes.
3. Public Acts of 1870-71, Chapter 21, provided that the collector of privilege taxes was to receive 5% on the gross amount of revenue collected as his fee.
4. Public Acts of 1887, Chapter 231, authorized the Shelby County Trustee to sell a lot in the town of Raleigh, known as the Male Academy lot.
5. Public Acts of 1889, Chapter 209, amended the general law on state collection of taxes, (Public Acts of 1879, Chapter 91) to provide the taxing district of Shelby County to collect the remaining taxes and assets to the extinct municipality of the City of Memphis.
6. Public Acts of 1895, Chapter 91, set the annual compensation of the county trustee at \$3,000 per year.
7. Public Acts of 1899, Chapter 248, refunded to the City of Memphis the commissions paid by it to Shelby County for the collection of taxes and provided that no commission was to be paid in the future.

8. Acts of 1909, Chapter 507, amended the general law found in Acts of 1907, Chapter 602, to provide that the Shelby County Tax Assessor was to be paid \$5,000 per year and that the aggregate compensation of the deputy tax assessors could not exceed the salary of the tax assessor by more than 20%.
9. Private Acts of 1913, Chapter 74, amended the general law provisions on the bond of county trustees to provide that in Shelby County the amount of such bond should not exceed one-fourth of the taxes collected during the ensuing tax year. This act was amended by Private Acts of 1933, Chapter 202, to set the trustee's bond at \$100,000 and this act was further amended by Private Acts of 1947, Chapter 512, to provide that such county trustees' bond be fixed in a penalty to be decided by the quarterly county court of Shelby County.
10. Private Acts of 1913, Chapter 251, provided assistance to the county assessor, allowing him to appoint deputies and setting their aggregate compensation. This act was amended a number of times, increasing both the number of deputy assessors and the amount of their compensation.
11. Private Acts of 1913, Chapter 252, created the office of poll tax assessor and collector for Shelby County and set up his commissions on taxes collected. This act was repealed by Private Acts of 1925, Chapter 320.
12. Private Acts of 1913 (Ex. Sess.), Chapter 66, gave the county court authority to levy an additional tax for school purposes, but this tax could not be more than \$.25 above the aggregate levy by the state for state and school purposes.
13. Private Acts of 1915, Chapter 315, authorized a tax levy of not more than \$.05 per \$100 for the purposes of building an auditorium. This tax levy could not continue for more than four years and was to be in the discretion of the county court.
14. Private Acts of 1919, Chapter 627, required the county to pay the premium on the county trustee's bond.
15. Private Acts of 1921, Chapter 55, amended Private Acts of 1913, Chapter 251, so as to provide for the payment of the aggregate compensation for assistance to the county assessors of not more than \$13,000 per annum in counties with a population of 220,000 or over, according to the Federal Census of 1920.
16. Private Acts of 1921, Chapter 338, amended the general law found in Acts of 1907, Chapter 602, to set the salary of the county tax assessor in Shelby County to \$7,200 per annum. This was amended a number of times before the salary of the assessor of property in all Tennessee counties became a matter of general law.
17. Private Acts of 1921, Chapter 422, amended the general law provisions to provide that in Shelby County all the powers and duties of the county court clerk found in general statutes was to be conferred upon the county assessor.

18. Private Acts of 1925, Chapter 40, amended Private Acts of 1913, Chapter 251, by increasing the salary of the deputy assessors to \$16,000 per annum.
19. Private Acts of 1927, Chapter 603, amended Private Acts of 1913, Chapter 251, by increasing the salary of the deputy assessors to \$20,000 per annum.
20. Private Acts of 1933, Chapter 368, amended Private Acts of 1913, Chapter 251, by increasing the salary of the deputy assessors to \$18,000 per annum.
21. Private Acts of 1933, Chapter 377, amended Private Acts of 1921, Chapter 338, by increasing the salary of the Shelby County Tax Assessor to \$6,500 per year.
22. Private Acts of 1943, Chapter 259, amended Private Acts of 1933, Chapter 368, by increasing the salary of the Shelby County Tax Assessor to \$25,000 per annum.
23. Private Acts of 1945, Chapter 133, amended Private Acts of 1913, Chapter 251, by fixing the county assessors' deputies salary to \$32,000 per annum.
24. Private Acts of 1947, Chapter 513, amended Private Acts of 1913, Chapter 251, by setting the salaries of the county assessors' deputies to \$45,000 per annum.
25. Private Acts of 1949, Chapter 238, amended Private Acts of 1913, Chapter 251, by setting the salaries of the county assessors' deputies to \$55,000 per annum.
26. Private Acts of 1951, Chapter 156, amended Private Acts of 1921, Chapter 338, to provide a salary of \$8,125 per annum to the Shelby County Tax Assessor.
27. Private Acts of 1951, Chapter 333, provided that members of the county board of equalization were to be paid \$8.00 per day.
28. Private Acts of 1951, Chapter 382, amended Private Acts of 1913, Chapter 251, by setting the compensation of the Shelby County Tax Assessors' deputies to \$75,000 per annum.
29. Private Acts of 1953, Chapter 300, amended Private Acts of 1921, Chapter 338, by setting the salary of the Shelby County Tax Assessor to \$8,800 per annum.
30. Private Acts of 1955, Chapter 117, amended Private Acts of 1921, Chapter 338, by setting the salary of the Shelby County Tax Assessor to \$11,200 per annum.
31. Private Acts of 1957, Chapter 302, amended Private Acts of 1913, Chapter 251, by setting the compensation of the Shelby County Tax Assessors' deputies.
32. Private Acts of 1959, Chapter 177, amended Private Acts of 1921, Chapter 338 by setting the salary of the Shelby County Tax Assessor to \$15,000 per annum.

33. Private Acts of 1961, Chapter 377, amended Private Acts of 1913, Chapter 251, by prescribing the qualifications for the deputies.
34. Private Acts of 1965, Chapter 63, provided that there was to be an annual assessment of taxes in Shelby County.

TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

The following is a listing of acts pertaining to taxation in Shelby County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1825, Chapter 146, authorized the counties of Shelby and Fayette to lay a tax not exceeding 25¢ per hundred acres, on all taxable land within the lines of said counties, for improvements of the Wolf River.
2. Public Acts of 1866-67, Chapter 18, authorized the county court of Shelby County to levy a special tax upon the estates, real and personal, to raise money for the metropolitan police force.
3. Public Acts of 1867-68, Chapter 87, provided for the election of a collector of taxes on privileges for Shelby County to be elected by the qualified voters of said county and to hold office for two years.
4. Public Acts of 1868-69, Chapter 25, authorized the Shelby County Board of County Commissioners to levy a special tax for the purpose of paying the interest on the four hundred thousand dollars of bonds which retired all unfunded indebtedness of the county. The tax was also used to pay off the interest of said bonds and for the creation of a sinking fund for the final redemption of the entire indebtedness of the county.
5. Public Acts of 1883, Chapter 6, provided for the levy and collection of taxes for the taxing district of Shelby County for the years 1883 and 1884.
6. Public Acts of 1883, Chapter 154, repealed Public Acts of 1882 (Ex. Sess.), Chapter 29, which authorized a settlement of the debt of the City of Memphis and the taxing district of Shelby County.

7. Public Acts of 1885, Chapter 3, provided for the levy and collection of taxes for the taxing district of Shelby County for the years 1885 and 1886.
8. Public Acts of 1887, Chapter 10, provided for the levy and collection of taxes for the taxing district of Shelby County for the years 1887 and 1888.
9. Public Acts of 1887, Chapter 19, amended Public Acts of 1879, Chapter 11, which established taxing districts in the state, by redefining the boundaries of the Shelby County Tax District.
10. Public Acts of 1889, Chapter 19, provided for the levy and collection taxes for the taxing district of Shelby County for the years 1889 and 1890.
11. Public Acts of 1899, Chapter 124, validated and ratified the contracts between the taxing districts of Shelby County and the Artesian Water Company.
12. Private Acts of 1913, Chapter 251, provided for the assistance to the county assessors in counties having a population of 190,000 or more, according to the Federal Census of 1910; prescribed their duties, and provided for their compensation. Private Acts of 1953, Chapter 442, amended Private Acts of 1913, Chapter 251, by setting the compensation of the county assessors' deputies to \$85,000 per annum.
13. Private Acts of 1919, Chapter 618, created the office of collector of automobile license taxes in counties having a population of 190,000 or more, according to the Federal Census of 1910, and prescribed the duties of said official, the method of his election and fixed his compensation.

CHAPTER XIV - ZONING

ZONING

DISTRICTS - FIVE MILES OF MEMPHIS

PRIVATE ACTS OF 1931

CHAPTER 613

COMPILER'S NOTE: See Private Acts of 1955, Chapter 353, found in this volume, which amends this act by authorizing the establishment of a Joint City-County Planning Commission.

SECTION 1. WHEREAS, By Chapter 162, of the Private Acts of the General Assembly of 1921, it authorized and empowered all municipal corporations having a population in excess of 160,000 inhabitants by the Federal Census of 1920, or by any subsequent Federal Census, to provide for the establishment, government and maintenance of a City Planning Commission in such municipalities, and to prescribe the powers and duties of such planning commissions, and to vest in such commissions jurisdiction over all new subdivisions or re-subdivisions of land within the corporate limits of such municipalities; and

WHEREAS, By Chapter 164, of the Private Acts of the General Assembly of 1921, An Act was passed to provide for the approval by municipal authorities, within the population classification aforesaid of plans, plots, or re-plots of lands lying within cities having a population of 160,000 or over; and,

WHEREAS, By Chapter 165, of the Private Acts of the General Assembly of 1921 municipalities having a population in excess of 160,000 inhabitants by the Federal Census of 1920, or by any subsequent Federal Census, were authorized to provide for the establishment of districts or zones within the corporate limits, and to empower such municipalities by ordinance to regulate within such zones or districts, the use or uses of land, the height, the area, the size and the location of buildings, the required open spaces for light and ventilation of such buildings and the density of population, and for other purposes incident to the carrying out of said objects of the police power; and,

WHEREAS, the General Assembly of 1925, by its several Acts hereinafter referred to deemed the regulations insufficient to carry out, provide for and maintain the orderly growth of cities within said population classification; and

WHEREAS, By Chapter 408, of the Private Acts of the General Assembly of 1925 it undertook to regulate the conveyance of parcels of ground of less than two acres within the corporate limits of a city of the above population classification or within five miles of such limits, so as to prevent land speculators from selling off lots by metes and bounds without adequate access to public streets; and

WHEREAS, By Chapter 409, of the Private Acts of the General Assembly of 1925, it provided for the joint approval by city and county authorities of subdivision of plots of land situated

outside of but within five miles of the corporate limits of cities of the population classification aforesaid; and

WHEREAS, By Chapter 405, of the Private Acts of the General Assembly of 1925, it undertook among other things to provide for the regulation of the establishment of enlargement of cemeteries, and to provide under certain contingencies for the joint approval of the location thereof within such five miles zone by county and city authorities; and,

WHEREAS, The General Assembly of the State of Tennessee is advised and finds that municipal corporations having a population in excess of 160,000 inhabitants by the Federal Census of 1920, and subsequent censuses, have availed themselves of the powers granted by the several Acts above mentioned, in order to preserve, protect and further the public safety, health, prosperity, convenience, morals and general welfare of such municipalities; and

WHEREAS, the General Assembly is advised and finds that the cities having a population in excess of 160,000 inhabitants by the Federal Census of 1920, or by any subsequent Federal Census, have cooperated with the counties in which they are situated to carry out the powers granted to them, and to the counties in which they are situated, to preserve, protect and foster the general welfare; and,

WHEREAS, the General Assembly is advised and finds that there has been a rapid and unprecedented growth in the past decade of cities of the population classification aforesaid, and that there is likely to be a continued growth of such cities, so that from time to time said cities will extend their corporate limits and jurisdiction into unincorporated territories adjacent and contiguous thereto; and,

WHEREAS, the General Assembly is advised and finds that the presently authorized exercise of the police power of the State, and that delegated to such cities and counties within the unincorporated territory adjacent to the cities of the population classification aforesaid is inadequate to protect, safeguard and foster the public health, safety, morals, welfare, convenience and amenities within such zone or district, in view of the probability that such lands will shortly be incorporated within the corporate limits and jurisdiction of such cities, and the General Assembly being advised that it is to the manifest public interest and welfare that further restrictions as to the uses of lands, the height, area, size and location of buildings, the required open spaces for light and ventilation of such buildings and the density of population within such areas should be further regulated to the end that the orderly growth of such cities, having in view of the extension of public streets and highways, safety from fire and other hazards, provision for recreation and education, and the extension of service of public utility corporations, such as street railways, gas lines, telephone, sewers, water mains, etc., should be secured in order to protect the public health, morals, safety, convenience and prosperity not only of the residents of the cities of the population classification aforesaid, but of the people residing within the five miles zone about such cities;

SECTION 2. That by joint action of the legislative bodies of all municipalities having a population in excess of 160,000 inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, and the Quarterly County Courts of counties having a population in excess of 300,000 inhabitants, by the Federal Census of 1930, or by any subsequent Federal Census, in the manner hereinafter prescribed they may regulate and restrict, the location of trades and industries,

and the location of buildings designed for specified uses, and for such purposes divide the territory surrounding adjacent and contiguous to, for a distance five miles beyond the corporate limits, as now established or hereafter to be established, of a city having a population in excess of 160,000 inhabitants, by the Federal Census of 1930, or by any subsequent Federal Census, and having adopted a zoning ordinance in accordance with the provisions of Chapter 163, of the Private Acts of 1921, into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act.

For each of such districts, regulations may be imposed, designating the uses for which buildings may be or may not be erected or altered, and designating the trades and industries that shall be excluded or subjected to special regulations. Such regulations shall be in accordance with, as near as may be, any city plan adopted by cities of the population classification aforesaid for its orderly growth and development, and a general plan for such zones or districts, designed to lessen congestion on the public streets or highways to promote the public health, safety, convenience and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values, and the direction of building development.

SECTION 3. That such legislative bodies may regulate and limit, in the manner hereinafter described the height and bulk of buildings hereafter erected or altered, and regulate and determine the percentage of land area to be devoted to yards, courts and other open spaces, and for said purposes, divide said five mile zone into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act. Such regulations shall be uniform for each class of buildings throughout each district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to lessen congestion on the public streets, to secure safety from fires and other dangers, to promote the public health and welfare, including provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations will promote the public health, safety and welfare, the most desirable use for which the land of each district may be adapted, and tend to conserve the value of buildings and to stabilize the value of land throughout such districts.

Provided however, the legislative bodies may by Joint Ordinance/Resolution provide for approval of planned developments on parcels of not less than three (3) acres in which the heights, areas, densities and uses may be as set out on a recordable plat although they may not be uniform with those in the district in which located. Such a plan shall first be submitted to and a recommendation made by the Planning Commission. Such plats shall show the street and road patterns, dedications, if any, set backs, heights, density, uses, building separation, open areas and screenings as proposed by the applicant and their conformity with standards set by the Planning Commission as approved by the legislative bodies so as to carry out the intention of the applicable zoning ordinance/resolutions and preserve the character of the neighborhood. Upon approval and enactment by the legislative bodies such conditions shall be binding upon the applicant/owner until relieved by amendment or repeal. Building permits may be issued in accordance with the approved plan even though more than one structure is to be located thereon.

As amended by: Private Acts of 1973, Chapter 71.

SECTION 4. That such legislative bodies may, as hereinafter provided, limit and restrict the maximum number of families which may be housed in dwellings or tenement houses hereafter erected or altered and for said purposes, divide said five mile zone into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act. The regulations adopted for one or more districts may differ from those adopted for other districts. Such regulations shall be designed to limit the overcrowding of land and to avoid undue congestion of population, to facilitate adequate provision of transit, water, sewerage disposal, education, recreation and other public requirements, and to promote the public health, morals, safety, convenience and general welfare.

SECTION 5. That in making the regulations provided for in Sections 2, 3 and 4 hereof, said legislative bodies shall give due regard to, and conform as near as may be, to any plan adopted, or recommended by the City Planning Commission thereof, of cities of 160,000 inhabitants or more, by the Federal Census of 1930, or by any subsequent Federal Census, for the extension of its streets, sewers, water mains, recreation or public parks, playgrounds, schools, and the instrumentalities of public service corporations, or others, furnishing water, gas, electricity, transit, transportation or other public services.

SECTION 6. That before any regulations made or enacted in pursuance of the powers granted by Sections 2, 3 and 4 hereof are effective, they shall be approved after public hearings as hereinafter provided by joint action of the Quarterly County Court and legislative bodies of municipal corporations, subject to the provisions of this Act. The Quarterly County Court of the counties having a population of 300,000 or more by the Federal Census of 1930, or by any subsequent Federal Census, and legislative bodies, councils or bodies of cities having a population of 160,000 or more by the Federal Census of 1930, or by any subsequent Federal Census, are hereby directly and explicitly authorized to adopt regulations designed to carry out the provisions of Sections 2, 3, and 4 of this Act. The Quarterly County Courts of counties of the aforesaid population are authorized to act and adopt such regulations by majority vote of the Quarterly County Court at any regular or special session. Legislative bodies of municipal corporations, within the population classification aforesaid, shall adopt such regulations by ordinance, pursuant to the charter provisions applicable to such municipal corporations, now or hereafter to be enacted by the General Assembly. The legislative bodies as above designated, of either county or city, may initiate proceedings to carry out the purposes of this Act, and on certification to the other of such proceedings, it shall be the duty of the other, to consider the recommendations of the legislative body first acting, and shall cooperate with the other to carry out the purposes of this Act. And to the end that the purposes of this Act may be carried out, said legislative bodies of city and county are authorized to provide and pay for the employment of engineers, city plan experts, attorneys, draftsmen and other clerical and necessary help as may be necessary to make the necessary preliminary surveys, studies, recommendations and administration of regulations adopted as may be needful to carry out the provisions of this Act, and may also contract as to the division of such expense, and may thereafter contract for the division of the expense of carrying out of the provisions of this Act, and the regulations made pursuant thereto.

SECTION 7. That in order to carry out the purposes of this Act, a County Planning Commission is hereby created to be composed of the members of the Planning Commission of any municipality within the population classification herein provided for, and the Board of County Commissioners and Chairman of the Quarterly County Court of counties within the population classification herein provided for, and before any plan for such five mile zone shall be adopted, such

County Planning Commission shall recommend boundaries or districts and appropriate regulations to be enforced therein. Such commission shall make a tentative report and hold public hearings thereon, at such times and places and upon such notice as it may fix, before submitting its final report. Said legislative bodies shall not determine the boundaries of any district, nor impose any regulations until after the final report of such County Planning Commission.

After such final report is submitted to both legislative bodies as aforesaid, and final adoption of regulations by each, said legislative bodies may, from time to time, amend, supplement or change the boundaries or regulations so adopted, but not without consent of each. Notice of the adoption of such amendment, supplement or change in the regulations, shall be given by publishing such notice one time in some daily newspaper of general circulation in the city of the population classification hereinbefore set forth within such county. Such notice shall state the time and place, not earlier than ten days from date of publication, at which the legislative bodies shall meet in joint session to hear remonstrances or protests against the making of such amendment, supplement or change. At the time and place thus appointed, said legislative bodies shall meet in joint session, and all persons whose property will be affected by such amendment, supplement, or change, may appear in person or by attorney or by petition, and protest against making of such amendment, supplement or change, and after hearing such protests, if any, such legislative bodies, in the manner hereinbefore provided, may confirm, modify or rescind such regulations in whole or in part. If, however, a protest against such amendment, supplement or change be presented in writing to either legislative body, within ten days from date of publication, duly signed and acknowledged by the owners of 20% or more of any frontage proposed to be altered, or by the owners of 20% of the frontage immediately in the rear thereof, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a four-fifths vote of each such legislative body.

In the event that any county coming within the provisions of this Act shall, under the provisions of any Act enacted by this General Assembly or by any future General Assembly, having a county planning commission having county wide jurisdiction, all the duties and powers to be exercised and enjoyed by the county planning commission created under Section 7 of Chapter 613 of the Private Acts of 1931, shall be exercised and enjoyed by the county planning commission with county wide jurisdiction created under the provisions of any Act of this General Assembly or of any future General Assembly.

Provided, however, that at any time a county and city so elects they may hold separate sessions upon such terms and conditions as shall be set out in a resolution/ordinance specifying the times, dates, and final disposition of matters, but such actions shall be "subject to concurrence" by both entities.

As amended by: Private Acts of 1935, Chapter 707,
Private Acts of 1979, Chapter 99.

SECTION 8. That the lawful use of a building existing at the time of adoption of regulations under the provisions of this Act, which shall not be effective until the approval of both legislative bodies as hereinbefore provided for, although such use does not conform to the provisions of such regulations, may be extended throughout the building, *provided* no structural alterations except those required by the law are made therein.

Where no structural alterations are made in a building of a non-conforming use, such use may be changed to a use of a similar or higher classification, according to the provisions of the regulations adopted under the authority of this Act.

The lawful use of premises existing at the time of adoption of the regulations under the provisions of this Act, although such use does not conform to the provisions thereof, may be continued; but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of the regulations adopted pursuant to the authority of this Act.

Where structural alterations are made in a building of non-conforming use, such building shall be changed in conformity with the provisions of the regulations adopted under the authority of this Act, for the district in which such building is located. When the boundary line of any such district divides a parcel of ground in common ownership, at the time of the adoption of the regulations under the provisions of this Act, nothing herein contained shall be construed to prevent the extension of the use existing on either portion of ground to the entire parcel, but for a distance of not greater than twenty-five feet.

Nothing in this Act shall be taken to prevent (a) the erection of a building for which a permit shall have been issued previous to the final adopting of regulations under the provisions of this Act; (b) the restoration of a building destroyed to the extent of not more than 75% of its reasonable value, by fire, explosion, an act of God or the public enemy, and the occupancy or use of such building or part thereof, if such use existed at the time of such partial destruction; (c) the restoration of a wall declared unsafe by any officer thereunto duly authorized.

SECTION 9. That the County Assessor of any county within the population classification herein specified is hereby made the Building Commissioner for that part of the county outside of about within the five mile zone of any municipality within the population classification herein provided for. He shall be Building Commissioner ex-officio, and shall perform the duties provided for in this Act, and by any regulations adopted pursuant to the provisions thereof, without any extra compensation, unless same be provided by the Quarterly County Court, and/or joint action of said Quarterly County Court and legislative body of such municipality; *provided, however*, that by joint agreement of the county and city legislative bodies, to be evidenced by resolutions spread upon their minutes, the Building Commissioner or inspector of the city may be designated as the Building Commissioner for the five mile zone in order to carry out the administrative provisions of this Act and of the regulations to be adopted pursuant thereto; and, *provided, further*, that by joint resolution of the county and city legislative bodies aforesaid a reasonable fee may be fixed and collected for certificates of compliance with the provisions of the regulations adopted pursuant to the provisions of this Act to be issued by the Building Commissioner in accordance with the provisions of this Act, and the regulations to be adopted pursuant thereto.

In the event that the office of county building commissioner is or shall be created in any county within the population classification of this Act, under any general or special Act of the General Assembly of the State of Tennessee, the incumbent of which shall have county wide jurisdiction, then such county building commissioner shall have and exercise all the powers and duties and enjoy all the rights and privileges given to the ex-officio building commissioner under the provisions of said Section 9.

The board of commissioners of any county within the population classification of this Act shall also have the right to designate any officer, official or employee of the county, other than the county assessor, to be ex officio building commissioner under the provisions of Section 9 of this Act.

As amended by: Private Acts of 1935, Chapter 707.

SECTION 10. That after the adoption of any regulations by the city and county legislative bodies as hereinbefore provided, no building within such five mile zone shall be altered, changed, built or rebuilt, nor shall any premises be used for any purpose until the owner, tenant, occupant or lessee thereof, shall receive from the Building Commissioner a certificate of compliance with the provisions of the regulations adopted pursuant to this Act. Any owner, tenant, occupant or lessee, desiring to change the use of any premises, lot, or tract of land from that to which it was devoted at the time of the passage of such regulations, or to build a new, or alter, or rebuild any old structure, shall apply in writing to the Building Commissioner for a permit which shall set forth the name of the occupant or proposed occupant, and description of the same with reference to all known boundaries, the use to which such premises has been put, and such other information as may be necessary to advise the said Building Commissioner whether the provisions of the regulations adopted pursuant to the provisions of this Act will be complied with. And on payment of the necessary fee, if any shall be fixed, it shall be the duty of the Building Commissioner to issue a use and occupancy permit to the occupant, if he shall find that all the provisions of the regulations adopted by the city and county legislative bodies have been or will not be complied with by such occupant. If he shall find that any have not been or will not be complied with, he shall reject such applications and endorse thereon his reasons for such declination.

SECTION 11. That there is hereby created a County Board of Adjustment which shall consist of seven members of which number the Chairman and Secretary of the Board of County Commissioners, the Chairman of the Quarterly County Court and the Chairman of the Board of Adjustment of any city, within the population classification above referred to, and duly appointed and elected in pursuance of the provisions of Chapter 428, of the Private Acts of the General Assembly of 1925 shall be *ex-officio* members. The remaining three members of said Board shall be chosen and elected by resolution of the legislative body of such city within such county, one of whom shall be elected for one, another for two and the last for three years. And after appointment of the first Board the members other than *ex-officio* members shall be appointed for terms of three years each, and it shall be no objection to the validity of the organization of the County Board of Adjustment that the term of any member of the City Board of Adjustment other than the chairman thereof, shall have expired. Vacancies in the membership of the County Board of Adjustment, other than the *ex-officio* members, shall be filled for the unexpired term of the vacant member by the legislative body of such municipality. All members of the Board, other than the *ex-officio* members, shall be removable for cause by the appointing authority upon written charges and after hearing.

In the event that any county within the population classification of this Act, shall, pursuant to an Act of the General Assembly of the State of Tennessee, have a county board of adjustment with county wide jurisdiction, then the board of adjustment created by Section 11 of said Act shall be composed of the chairman of the Quarterly County Court, the chairman of the board of commissioners of such county, the chairman of the board of adjustment of any municipality in said county having a population in excess of 160,000 inhabitants by the federal census of 1930, or any subsequent federal census, all of whom shall be ex-officio members of said board of adjustment; and

four other members, three of whom are to be chosen from among the members of such city board of adjustment by the legislative body of such municipality, the other to be appointed by the Quarterly County Court from among the members of the County board of adjustment. Said board shall have the right to adopt a name which shall be distinctive so that said board shall not be confused with any other county or city board of adjustment. The members of said board of adjustment, and the board as such, shall have, exercise and enjoy all the powers, duties, liabilities and privileges set out in said Chapter 613 of the Private Acts of 1931.

Said city and county legislative bodies shall have power to appropriate monies to pay for clerical help and other necessary expenses of such Board, but no member thereof shall receive any compensation for his services.

The Board shall elect its own chairman, who shall serve for one year, and shall elect its Secretary, who may or may not be a member thereof, and who may receive such compensation as may be fixed by the joint action of the legislative bodies of such city and county; *provided, however*, that said Board of Adjustment may designate and appoint the Secretary of the City Board of Adjustment as the Secretary, and who shall hold office at the will and pleasure of the Board, whose compensation shall be fixed by the County Board of Adjustment subject to the approval of the county and city legislative authorities aforesaid.

The Board shall adopt rules in accordance with the provisions of any regulations adopted pursuant to this Act, and may adopt any not in conflict with the provisions of such regulations or with the provisions of this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine, but said Board shall meet not less than once each month. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city or county affected by any decision of the County Building Commissioner, or other administrative officer. Such appeal shall be taken within five days, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the County Board of Adjustment or by a Court of Record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Said County Board of Adjustment shall fix a reasonable time for the hearing of the appeal, and decide the same within a reasonable time.

Said Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Act or of any regulation adopted pursuant thereto.
2. To hear and decide all matters referred to it upon which it is required to pass under such regulations.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such regulations, to vary or modify the application of any of the regulations passed pursuant to this Act, relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the regulations and this Act shall be observed, the public health, safety, morals, convenience and welfare secured and substantial justice done.

In exercising the above mentioned powers such Board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of five-sevenths of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulations, or to effect any variation in such regulations.

Any person or persons, jointly or severally, aggrieved by any decision of the County Board of Adjustment, may present to the Circuit Court of such county a petition for certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty days after the filing of the decision of the Board.

Upon presentation of such petition the Circuit Court may allow a writ of certiorari directed to the County Board of Adjustment a review its decision, and shall prescribe therein the time within which a return thereto must be made, which shall not be less than ten days and may be extended by the Court. The allowance of the writ shall not stay the proceedings upon the decision appealed from, but the Court may, on application, and on notice to the Board and on due cause shown, grant a restraining order, or supersedeas, on such conditions as it may fix.

The County Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return sworn copies thereof or of such portion thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report same to the Court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review, or may remand the matter to the County Board of Adjustment for further proceedings under such orders and directions as it may make.

All issues in any proceeding under this Section shall have preference over all other civil actions and proceedings except such as may be given prior preference by other provisions of law.

As amended by: Private Acts of 1935, Chapter 707.

SECTION 12. That in case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of the provisions of this Act or of any regulations made under authority conferred hereby, the proper local county or city authorities, in addition to other remedies, may institute any appropriate action for proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

That the undertaking or operation of any business, the construction or preparation or commencement of construction of any building or other structure, or the use or occupancy of any land within the jurisdiction of a County Board of Adjustment and without the permit of such Board or in violation of the terms of a permit issued by said Board, is hereby declared to be a nuisance and may by proper proceedings in the name of such County Board of Adjustment in the Chancery or Probate Court of such county be enjoined and abated as such; provided, further, that such Board on the filing of such Bill in the Chancery or Probate Court of such county shall not be required to give an Injunction Bond or other security for the granting of any injunction or other extraordinary process.

As amended by: Private Acts of 1937, Chapter 377.

SECTION 13. That nothing herein contained shall be held to authorize either such counties or cities of the population classification hereinbefore set forth, to exercise the powers herein granted over territory within such five mile zone as may be now or may hereafter be incorporated under the laws of the State of Tennessee as a village, town or city with power to pass regulations to promote the public safety, health and welfare of the inhabitants of such incorporated territory.

SECTION 14. That any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than \$5.00 nor more than \$50.00 for each offense. Each day that any violation of any of such provisions or regulations shall continue shall be deemed a separate offense. Violations of the provisions of this Act or of any of the regulations lawfully adopted pursuant thereto shall be deemed to come under the provisions of the small offense law, and Justices of the Peace and committing magistrates of the County shall be held to have jurisdiction to hear and try persons accused of violations thereof.

SECTION 15. That should any Section or provisions of this Act, of the regulations adopted pursuant to the authority hereof be held to be unconstitutional or invalid, the same shall not affect the validity of this Act, or of such regulations, as a whole or any part thereof, other than the part so held to be unconstitutional.

SECTION 16. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 25, 1931.

ZONING

DISTRICTS - UNINCORPORATED AREAS

PRIVATE ACTS OF 1935

CHAPTER 625

SECTION 1. Grant of Power. - The Quarterly County Court (hereinafter designated legislative body) of any county in this state having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, is hereby empowered, in accordance with the conditions and the procedure specified in the subsequent sections of this Act, to regulate in the unincorporated portions of such county the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water-supply conservation, or other purposes.

SECTION 2. Zoning Plan and Ordinance. - From and after the time when the county planning commission of any county makes and certifies to the legislative body of such county a zoning plan, including both the full text of the zoning ordinance and maps, and representing the recommendations of the commission for the regulation by districts or zones of the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water-supply conservation or other purposes, then said legislative body may by resolution, exercise the powers granted to it in section one of this Act and, for the purpose of such exercise, may divide the unincorporated territory of such county into districts or zones of such number, shape, and area as it may determine, and within such districts may regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts. The planning commission may make and certify a single plan for the entire unincorporated portion of the county, or separate and successive plans for those parts which it deems to be urbanized or suitable for urban development and those parts which, by reason of distance from existing urban communities or for other causes, it deems suitable for non-urban development; and any ordinance enacted by the legislative body may cover and include the unincorporated territory covered and included in any such single plan or in any such separate and successive plans. No resolution covering more or less than the territory covered by any such certified plan shall, however, be enacted or put into effect until and unless it be first submitted to the planning commission which had certified the plan to the legislative body and be approved by said body or, if disapproved, receive the favorable vote of not less than two-thirds of the entire membership of said body. Nothing herein contained shall be held to repeal Chapter 613 of the Private Acts of the General Assembly of Tennessee of 1931 entitled "An Act to

provide for the establishment of districts or zones within five miles of the corporate limits as now or hereafter to be established of all municipalities having a population in excess of 160,000 inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, in counties having population of 300,000 or more inhabitants, by the Federal Census of 1930, or by any subsequent Federal Census, so as to regulate within such zones or districts, the use or uses of lands, the height, the area, the size and location of buildings, the required open spaces for the light and ventilation of such buildings, and the density of population; to provide for the appointment of a County Building Inspector and to prescribe his duties; to provide for a County Board of Adjustment, and to fix its powers and duties, and for review of its decisions; to empower Quarterly County Courts and legislative bodies of cities, within the population classification above set out, to adopt regulations to carry out the purposes of this Act; to authorize them to contract with each other as to the expenses incident thereto, and to authorize them to appropriate moneys to carry out the purposes of this Act; to provide for the creation of a County Planning Commission and to prescribe its powers and duties; to authorize the collection of fees for building permits within such five mile zone; to provide for the carrying out and enforcement of regulations adopted pursuant to the provisions of this Act, and to provide a penalty for the violation of the provisions of this Act, or of the regulations lawfully adopted pursuant thereto. Nor shall anything herein contained be construed as revoking, annulling, or otherwise abrogating any zoning regulations passed pursuant to the provisions of said Act, nor shall the passage of this Act affect or abrogate any zoning resolution for any territory outside of but within five (5) miles of the corporate limits of any municipality having a population in excess of 160,000 inhabitants by the Federal Census of 1930, or by any subsequent Federal Census, duly adopted pursuant to the provisions of said Act.

Provided however, the legislative body may by resolution provide for approval of planned developments on parcels of not less than three (3) acres in which the heights, areas, densities and uses may be as set out on a recordable plat although they may not be uniform with those in the district in which located. Such a plan shall first be submitted to and a recommendation made by the Planning Commission. Such plats shall show the street and road patterns, dedications, if any, set-backs, heights, density, uses, building separation, open areas and screenings as proposed by the applicant and their conformity with standards set by the Planning Commission as approved by the legislative body, so as to carry out the intention of the applicable zoning resolutions and preserve the character of the neighborhood. Upon approval and enactment by the legislative body such conditions shall be binding upon the applicant/owner until relieved by amendment or repeal. Building permits may be issued in accordance with the approved plan even though more than one structure is to be located thereon.

As amended by: Private Acts of 1973, Chapter 72.

SECTION 3. Purposes of Zoning Regulation. - Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the State of Tennessee, including, amongst other things, lessening congestion in the streets or roads or reducing the wastes of excessive amounts of road; securing safety from fire and other dangers; providing adequate light and air; preventing, on the one hand, excessive concentration of population and, on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage,

sanitation, educational opportunity, recreation, soil fertility, food supply, and the protection of both urban and non-urban development.

SECTION 4. Method of Procedure. - After receiving the certification of a zoning plan from the planning commission and before the enactment of any such zoning ordinance, the legislative body shall hold a public hearing thereon, of the time and place of which at least ten (10) days' notice shall be given by one publication in a newspaper of general circulation in the county. Such notice shall state the place at which the text and maps as certified by the planning commission may be examined. No change in or departure from the text or maps as certified by the county shall be made, unless such change or departure be first submitted to the certifying planning commission for its approval, disapproval, or suggestions, and, if disapproved, shall receive the favorable vote of not less than two-thirds of the entire membership of the legislative body; and the planning commission shall have thirty (30) days from and after such submission within which to send its report to the legislative body.

SECTION 5. Amendments. - The legislative body may from time to time amend the number, shape, boundary, or area of any district or districts, or any regulation of or within such district or districts, or any other provision of the zoning ordinance; but any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for approval, disapproval, or suggestions to the county commissions which had originally certified the zone plan; and, if disapproved by such commission within thirty (30) days after such submission, such amendment, to become effective, shall receive the favorable vote of not less than two-thirds of the entire membership of the legislative body. Before finally adopting any such amendment, the legislative body shall hold a public hearing thereon, at least ten (10) days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county.

SECTION 6. - For every county which enacts zoning regulations under the authority of this Act there is hereby created a county board of adjustment which shall consist of seven (7) members of which the chairman of the Board of County Commissioners, and the chairman of the Quarterly County Court shall be ex-officio members. The remaining five (5) members of said board shall be chosen and elected by resolution of the legislative body of the county, two of which shall be elected for one year, two for two years, and the fifth for three years. After the appointment of the first board the members, other than ex-officio members, shall be appointed for terms of three years each. Vacancies in the membership of the county board of adjustment, other than ex-officio members, shall be filled for the unexpired term of such member by the legislative body of the county. All appointive members of the board shall be removable for cause by the appointing authority upon written charges and after hearing.

No member of such board shall receive compensation for his services but county legislative bodies of such counties are hereby authorized and empowered to appropriate moneys to pay for clerical help and other necessary expenses of such board.

The board shall elect its own chairman who shall serve for one year, and shall elect its secretary who may or may not be a member thereof, and who may receive such compensation as may be fixed by the joint action of the legislative body of such county.

The board shall adopt rules in accordance with the provisions of any regulations adopted pursuant to this Act, and may adopt any not in conflict with the provisions of such regulations or with the provisions of this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine, but said board shall meet not less than once each month. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by and decision of the County Building Commissioner, or other administrative officer. Such appeal shall be taken within five (5) days by filing with the officer from whom the appeal is taken a written appeal or application for variation from the strict requirements of the zoning resolution, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of the papers constituting the record upon which the action appealed from was taken.

An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the county board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

Said county board of adjustment shall fix a reasonable time for the hearing of the appeal, and decide the same within a reasonable time.

Said board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Act or of any regulation adopted pursuant thereof.
2. To hear and decide all matters referred to it upon which it is required to pass under such regulations.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way in carrying out the strict letter of such regulations, to vary or modify the application of any of the regulations passed pursuant to this Act, relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the regulations and this Act shall be observed, the public health, safety, morals, convenience and welfare secured and substantial justice done.

In exercising the above mentioned powers such board may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulations, or to effect any variation in such regulations.

Any person or persons, jointly or severally, aggrieved by any decision of the county board of adjustment, may present to the Circuit Court of such county a petition for *certiorari*, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the board.

Upon presentation of such petition the Circuit Court may allow a writ of *certiorari* directed to the county board of adjustment to review its decision, and shall prescribe therein the time within which a return thereto must be made, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay the proceedings upon the decision appealed from, but the court may, on application, and on notice to the board and on due cause shown, grant a restraining order, or *supersedeas*, on such conditions, as it may fix.

The county board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return sworn copies thereof or of such portion thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review, or may remand the decision brought up for review, or may remand the matter to the county board of adjustment for further proceedings under such orders and directions as it may make.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings except such as may be given prior preference of other provisions of law.

a. Whenever it becomes known that one of the regularly appointed members of said Board of Adjustment will be unable to attend any public hearing, the Chairman of the Quarterly County is authorized to name a replacement to serve in the place and stead of the absent member, with full power to vote and exercise all the rights and responsibilities of the absent member, for such time as the Chairman of the Quarterly County Court shall specify in writing to the Chairman or Acting Chairman of said Board of Adjustment, but such authority shall expire upon the appearance of such absent member at any public hearing or upon notification in writing to the Chairman of the Quarterly

County court that the absent member has returned and is available to serve. All matters acted upon by said Board of Adjustment with such temporary replacement participating shall be of full value and effect as if said regular member was in fact present and participating.

As amended by: Private Acts of 1953, Chapter 309,
Private Acts of 1965, Chapter 240.

SECTION 7. *Building Commissioner.* - The legislative body may provide for the enforcement of the zoning regulations by means of the withholding of building permits, and, for such purpose, may establish and fill a position of county building commissioner and may fix the compensation attached to said position. From and after the establishment of such position and the filing of the same, it shall be unlawful to erect, construct, reconstruct, alter, or use any building or other structure within the unincorporated territory covered by such zoning regulations without obtaining a building permit from such county building commissioner, and such building commissioner shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect.

SECTION 8. *Other Enforcement and Remedies.* - In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used, or any land is or is proposed to be used in violation of this Act or of any regulation or provision enacted or adopted by any legislative body under the authority granted by this Act, such body, the attorney of the county, the county building commissioner, planning commission or other board or officer, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding, or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

SECTION 9. Any person, firm or corporation violating any of the provisions of this Act, or of any of the regulations established pursuant to the authority hereof, shall be guilty of a misdemeanor, and shall be fined not less than \$5.00, nor more than \$50.00, for each offense. Each day that any violation of any of such provisions or regulations shall continue shall be deemed a separate offense. Violations of the provisions of this Act or of any of the regulations lawfully adopted pursuant thereto shall be deemed to come under the provisions of the small offense law, and Justices of the Peace and committing Magistrates of the county shall be held to have jurisdiction to hear and try persons accused of violations thereof.

SECTION 10. *Conflict with Other Laws.* - Wherever the regulations made under authority of this Act require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute or regulation or resolution of the legislative body require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute, regulation or resolution shall govern.

SECTION 11. *Definitions.* - For the purpose of this Act, "unincorporated" means situated outside of cities, towns and municipal corporations organized under any general or special Act of the General Assembly of the State of Tennessee, so that when used in connection with "territory", "areas", or the like, it covers, includes and relates to territory or areas which are not within the boundary of any city, town or municipal corporation.

SECTION 12. Should any section or provision of this Act, or of the regulations adopted pursuant to the authority hereof be held to be unconstitutional or invalid, the same shall not effect the validity of this Act, or of such regulations, as a whole, or any part thereof, other than the part so held to be unconstitutional.

SECTION 13. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 18, 1935.

ZONING

JOINT PLANNING COMMISSION

AUTHORITY FOR ESTABLISHMENT

PRIVATE ACTS OF 1955

CHAPTER 353

SECTION 1. That:

Whereas, There now exists in one or more Counties subject to the provisions of Chapter 613 of the Private Acts of the General Assembly of Tennessee of 1931 and all Acts amendatory thereof and appurtenant thereto separate County and City Planning Commissions and separate County and City Boards of Adjustment, the duties of which overlap and to some extent duplicate each other, and the separate functioning of which results in unnecessarily large expenditure of time and money, as well as inefficiency of administration:

It is now, therefore, resolved and deemed proper in the interest of economy and of the general welfare, That such Counties and Cities be authorized to appoint a joint Planning Commission and Board of Adjustment as herein provided.

SECTION 2. That Chapter 613 of the Private Acts of the General Assembly of Tennessee of 1931 and all acts amendatory thereto and all acts appurtenant to the subject matter thereof be and the same hereby are amended by the addition thereto of the following:

SECTION 3. That the Quarterly County Court of any County having a population of 300,000 or more by the Federal Census of 1930 or any subsequent Federal Census, be and hereby is authorized by agreement with the governing body of any City within such County having a Planning Commission and a Board of Adjustment to establish a joint City and County Planning Commission and a joint City and County Board of Adjustment, such agreement, if made, to be evidenced by an Ordinance passed by the governing body of the City, the terms of which Ordinance shall be embodied in and concurred in by a resolution of the Quarterly County Court of such County.

SECTION 4. That the said Ordinance and Resolution, if agreed upon, shall fix the number of members of both the said joint Planning Commission and the said joint Board of Adjustment, shall provide for the number of such members to be appointed by the governing body of the City and the number of such members to be appointed by the Quarterly County Court of the County, and shall fix the identity of such officials of the City and the County who shall be ex-officio members of both the said Planning Commission and the said Board of Adjustment. The said Ordinance and the said Resolution shall also fix the terms of the members to be appointed by the said governing body of the City and the said Quarterly County Court and shall provide the number of members of each body required to constitute a quorum for the transaction of business and for the election of a Chairman for each body. Vacancies in the membership of either the Planning Commission or the Board of

Adjustment caused by death, resignation or inability to serve on the part of a member shall be filled for the unexpired term as fixed by Ordinance and Resolution, the appointment to be made by the governmental authority which originally appointed the member whose position becomes thus vacant. When a quorum is not present at any meeting of either the said joint planning Commission or the said joint Board of Adjustment the Chairman of the Quarterly County Court of the County and the Mayor of any City with whom an agreement has been made pertaining to the said joint Planning Commission and said joint Board of Adjustment may appoint in writing a sufficient number of citizens of the County to act temporarily as members of such body or bodies so as to effect a quorum for the transaction of business.

SECTION 5. That if agreement shall be reached by a County and a City to which this Act is applicable for the creation of said joint Planning Commission and said joint Board of Adjustment, the said joint Planning Commission and the said joint Board of Adjustment shall, upon passage of the Ordinance and Resolution herein provided for, have all of the powers, duties, functions and jurisdiction, and shall be subject to all of the law pertaining to the Planning Commissions and Boards of Adjustment of said County or Counties and said City or Cities now provided by law except as may be herein otherwise provided. The said joint Planning Commission and the said joint Board of Adjustment shall have the power to make the publish Rules and Regulations, which Rules and Regulations as promulgated shall be subject to the approval of the governing body of the City when applicable to property within the City and to the approval of the Quarterly County Court of the County as to property within the County outside of the City. Said Ordinances and Resolutions may also provide for the division of expenses as between the City and between the County and for the employment of staff members for the administration jointly of the zoning laws applicable to the City and the County.

SECTION 6. That if agreement shall be reached between any City and any County to which this Act is applicable for the creation of a joint Planning Commission and a joint Board of Adjustment, then the present provisions of law in conflict with the provisions hereof shall be inoperative and suspended during the tenure of such an agreement between such City and such County.

SECTION 7. That when the jurisdiction of the said joint Planning Commission and the jurisdiction of the said joint Board of Adjustment are exercised as to property within such City the law and procedure applicable to the City shall govern, and when such jurisdiction is exercised as to property outside of the City and within the County the law and procedure applicable to the County shall govern.

SECTION 8. That if any portion of this Act shall be invalid, the remaining portions hereof shall not be affected.

SECTION 9. That this Act shall become effective as to any County having a population of 300,000 or more inhabitants by the Federal Census of 1930 or any subsequent Federal Census when the same shall have been approved by the Quarterly County Court of such County by a vote of not less than two-thirds of the members thereof, such approval to be made by said Quarterly County court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1955, the public welfare requiring its becoming effective at that time, and this Act shall not become effective as to any County before such approval by the Quarterly County court

of the County. The approval or non-approval of this Act by the said Quarterly County Court shall be certified by the Chairman of the Quarterly County Court of the County to the Secretary of State.

Passed: March 17, 1955.

ZONING

SUBDIVISION LAW

PRIVATE ACTS OF 1967-68

CHAPTER 470

SECTION 1. That Quarterly County Courts in counties of six hundred thousand (600,000) population or more by the Federal Census of 1960, or any subsequent Census, shall have the authority to promulgate, by resolution, subdivision regulations governing the division, subdivision or resubdivision of land into two (2) or more parcels, any of which is four (4) acres or less in size, for the purpose of conveyance of building development. Said regulations shall include as a minimum the manner in which the owner or subdivider shall submit a plat of such proposed division, subdivision or resubdivision; the procedure by which a plat shall be processed; the standards to which such plats shall conform; the extent of site improvements, dedications of land for public use, and reservations of land for public acquisition which may be required; the period of time for which approval of a plat is valid prior to the start of development; standards for the adequate provision of blocks, lots, street grades and alignments, and similar physical design features; standards for accuracy in surveys; conditions under which modification of the strict application of such regulations may be permitted; the amount of any service charge which may be made for processing and recording plats; methods of enforcement for said regulations; and penalties for violation of said regulations.

As amended by: Private Acts of 1972, Chapter 311.

SECTION 2. That all plats for the division, subdivision or resubdivision of land subject to the regulations shall first be filed with the County Planning Commissions having jurisdiction in said counties. The County Planning Commission shall approve plats which conform to the subdivision regulations and all applicable provisions of the comprehensive plan of the county. Upon approval, the County Planning Commission shall forward such plats to the Board of County Commissioners of said counties for final approval, provided, however, that all plats for the division, subdivision or resubdivision of land within three (3) miles of the corporate limits of any city of the State of Tennessee containing four hundred thousand (400,000) population or more according to the Federal Census of 1960, or any subsequent Census, shall be forwarded also to the governing body of said city which shall act jointly with said Board of County Commissioners in the final approval of such plats. If a plat does not conform to said subdivision regulations or any of the applicable provisions of said comprehensive plan, and the owner or subdivider will not bring it into conformance, the County Planning Commission shall refuse to approve the plat and so advise the Board of County Commissioners and the governing body of any city affected by this Act and shall state in writing the specific reasons for disapproval.

SECTION 3. That the provisions of any subdivision regulations promulgated in accordance with this Act pertaining to the installation of site improvements, including but not limited to streets, curbs, gutters, sidewalks, sanitary sewerage, drainage, water, fire hydrants, and other similar

improvements, shall be operative only within the three (3) mile area prescribed in Section 2 hereof; provided, however, that when a plat for division, subdivision or resubdivision of land beyond said three (3) mile limit is of an urban character in terms of lot sizes, anticipated population density, and street and public utility requirements, the County Planning Commission may recommend and the Board of County Commissioners may require the installation of improvements in a like manner as those required within said three (3) mile area.

SECTION 4. That the owner or subdivider shall enter into a contract with and satisfactory to the Board of County Commissioners relative to the installation of required site improvements at his own expense prior to certification by said Board of the plat for recording. Any such contract, before becoming effective, likewise shall be approved by the governing body of any city affected by this Act. Said owner or subdivider shall make a cash deposit or an acceptable surety bond to ensure completion of the actual installation of and payment for said site improvements within the time specified in such contract. The amount of cash deposit or surety bond, and the surety, must meet with the approval of the Board of County Commissioners and county attorney of the county, and the governing body and city attorney of any city affected by this Act; provided, however, that separate contracts for the installation of any payment for all necessary site improvements may be executed to permit development of a subdivision in successive sections or stages.

SECTION 5. That the County Planning Commission and Board of County Commissioners shall approve or disapprove a plat within thirty (30) days after the submission thereof respectively to these bodies; otherwise such plat shall be deemed to have been approved and certificate to that effect shall be issued by said Commission and Board on demand; provided, however, that the owner or subdivider may waive this requirement and consent to an extension of time.

SECTION 6. That the recording of a plat shall operate to dedicate to public use all portions of land or interest therein designated thereon for streets, easements, and other specified public uses.

SECTION 7. That a plat certified for recording shall carry on its face at least a signed acknowledgment by the owner, but shall be notarized; the signature and seal of the registered professional engineer, duly authorized by law to practice in the State of Tennessee; the signature of the Director of Planning for the Memphis and Shelby County Office of Planning and Development; and the dates of approval. County Register of said County shall not record nor re-record plats which do not contain the required acknowledgments and signatures.

As amended by: Private Acts of 1980, Chapter 235.

SECTION 8. That county building officials in said counties shall refuse to issue a building permit for any parcel of land subject to said regulations unless same shall appear upon a properly recorded plat.

SECTION 9. That county assessors of said counties may refuse to split back assessments on parcels of land subject to said regulations until same shall appear upon a properly recorded plat.

SECTION 10. That violations of this Act and any subdivision regulations promulgated by said Quarterly County Courts in furtherance of its purposes are misdemeanors, punishable by fine

of not more than Fifty Dollars (\$50.00). County attorneys of said counties may institute injunctive proceedings to prevent, enjoin or abate such violations.

SECTION 11. That Chapter 409 of the Private Acts of 1925, Chapter 130 of the Private Acts of 1945, Chapter 131 of the Private Acts of 1945, and Chapter 445 of the Private Acts of 1953 of the General Assembly of the State of Tennessee, and all other Acts or parts of Acts in conflict herewith, be and the same are hereby repealed.

SECTION 12. That if any provision or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act but shall be confined in its operation to the provision or part hereof declared invalid.

SECTION 13. That this Act shall have no effect unless approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of any county to which this Act may apply not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 14. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions hereof shall not become operative until validated as provided in Section 13 herein and as otherwise provided in this Act.

Passed: March 28, 1968.

ZONING

See Tennessee Code Annotated, Title 13, Chapter 4, for general statutes applicable to "County Zoning Regulations." The Restructuring Act for Shelby County Government, found in chapter 1 of this volume, places the planning commission under the director of the division of roads and public works.

The following private acts dealt with zoning in Shelby County, but have no current effect. Their listing here is for historical and reference purposes.

1. Private Acts of 1925, Chapter 409, was the first subdivision law for Shelby County. It was amended by Private Acts of 1945, Chapter 130, and Private Acts of 1953, Chapter 445. All of these were repealed by the current subdivision law, Private Acts of 1967-68, Chapter 470, found in this volume.
2. Private Acts of 1945, Chapter 131, was an amendatory act to Private Acts of 1935, Chapter 625, but its provisions were repealed by Private Acts of 1967-68, Chapter 470.
3. Private Acts of 1961, Chapter 410, attempted to give the board of county commissioners authority to delegate to the planning commission the power to amend the zoning map, once a comprehensive zoning plan had been adopted. Its provisions were rejected by the quarterly county court.

PARALLEL REFERENCE TABLE

YEAR	ACT	CHAPTER	PAGE
1819	Private	146	165
1821	Public	32	170
1821	Public	42	199,213
1821	Public	65	199
1822	Private	111	175
1822	Public	1	289
1823	Private	126	69
1823	Private	206	175
1823	Public	41	199
1823	Public	129	171
1824	Private	102	199
1824	Private	119	101
1824	Private	167	175
1825	Private	146	386
1825	Private	318	94,199
1825	Public	69	336
1826	Public	3	289
1826	Public	196	167
1827	Private	60	336
1827	Public	17	289
1827	Public	44	94
1829-30	Private	92	141
1829-30	Public	52	184,199
1832	Private	67	69
1832	Private	86	279
1832	Private	132	330
1832	Public	4	289
1832	Public	9	289
1833	Public	46	175
1833	Public	71	289
1833	Public	76	290
1835-36	Public	4	184
1835-36	Public	5	199
1835-36	Public	21	336
1835-36	Public	39	290
1837-38	Acts	7	175
1837-38	Acts	14	184
1837-38	Acts	116	200
1837-38	Acts	157	336
1837-38	Acts	183	324
1837-38	Acts	306	69
1839-40	Acts	56	336
1839-40	Acts	187	336
1841-42	Acts	36	69

YEAR	ACT	CHAPTER	PAGE
1842	Acts (Ex. Sess.)	1	290
1842	Acts (Ex. Sess.)	7	290
1843-44	Acts	35	211
1843-44	Acts	62	330
1845-46	Acts	4	184
1845-46	Acts	21	184,200,211
1845-46	Acts	92	324
1845-46	Acts	145	211
1845-46	Acts	181	141
1847-48	Acts	75	279
1849-50	Acts	172	179
1851-52	Acts	196	290
1851-52	Acts	197	290
1851-52	Acts	352	200
1853-54	Acts	151	290
1853-54	Acts	160	283
1853-54	Acts	161	69
1853-54	Acts	180	141
1857-58	Private	59	279
1857-58	Private	107	279
1857-58	Private	127	279
1857-58	Public	38	73
1857-58	Public	88	184
1857-58	Public	96	157
1857-58	Public	98	200
1859-60	Private	9	141
1859-60	Private	39	94,141
1859-60	Public	91	97
1859-60	Public	125	359
1861	Private (Ex. Sess.)	21	359
1861	Public	1	336
1865	Public	1	94
1865-66	Private	103	200
1865-66	Private	159	94
1865-66	Public	13	94
1865-66	Public	39	168
1865-66	Public	57	290
1866-67	Private	40	97
1866-67	Private	63	330
1866-67	Public	18	386
1866-67	Public	38	169
1866-67	Public	46	95
1866-67	Public	87	382
1867-68	Private	102	156

YEAR	ACT	CHAPTER	PAGE
1867-68	Private	105	175
1867-68	Public	4	200
1867-68	Public	25	287
1867-68	Public	60	175
1867-68	Public	87	141,386
1868-69	Private	42	141
1868-69	Public	25	386
1868-69	Public	35	156
1868-69	Public	40	156
1869-70	Public	6	73,141
1869-70	Public	9	382
1869-70	Public	10	95
1869-70	Public	28	185,200
1869-70	Public	51	97
1869-70	Public	86	186
1870	Public	31	200
1870	Public	32	185
1870	Public	46	200,211
1870	Public	47	185
1870	Public	80	202
1870	Public	82	200
1870	Public	86	202,248,251,255, 257-259,262,263
1870	Public	99	153
1870	Public	108	153
1870-71	Public	21	382
1870-71	Public	32	200
1870-71	Public	81	141
1871	Public	1	153
1871	Public	146	290
1873	Public	25	280
1873	Public	27	290
1873	Public	68	200
1875	Public	15	142
1875	Public	23	185,200
1877	Public	13	330
1877	Public	160	335
1879	Public	11	387
1879	Public	91	382
1879	Public	198	153
1879	Public	230	201
1881	Public (Ex. Sess.)	6	290
1881	Public	117	158
1882	Public (Ex. Sess.)	27	291

YEAR	ACT	CHAPTER	PAGE
1882	Public (Ex. Sess.)	29	386
1883	Public	6	386
1883	Public	81	172
1883	Public	154	386
1883	Public	167	330,331
1883	Public	183	200
1883	Public	233	335
1885	Public	3	387
1885	Public	35	201
1885	Public	140	201,279
1885	Public	154	156
1885	Acts (Ex. Sess.)	20	185,201,211
1887	Public	10	387
1887	Public	19	387
1887	Public	231	382
1889	Public	19	387
1889	Public	163	142
1889	Public	186	185
1889	Public	188	291
1889	Public	209	382
1890	Public	24	291
1891	Public	1	330
1891	Acts (Ex. Sess.)	10	291
1891	Acts (Ex. Sess.)	25	291
1891	Public	131	291
1891	Public	186	324
1891	Public	224	291
1893	Public	62	201
1893	Public	79	156
1893	Public	99	201
1895	Public	36	185
1895	Public	60	246
1895	Public	91	101,382
1895	Public	155	282
1897	Public	24	213
1897	Public	58	213
1899	Public	23	153
1899	Public	62	201
1899	Public	64	185
1899	Public	124	387
1899	Public	248	382
1899	Public	255	153
1899	Public	331	153
1899	Public	427	185,201,211

YEAR	ACT	CHAPTER	PAGE
1901	Public	114	153
1901	Private	301	156
1901	Private	435	211
1901	Private	487	157
1901	Public	90	201
1901	Public	109	291
1901	Public	122	291
1901	Public	124	179
1901	Public	140	95
1903	Acts	342	330
1903	Acts	359	330
1903	Acts	370	330
1903	Acts	403	324
1905	Acts	16	158
1905	Acts	53	175
1905	Acts	63	330
1905	Acts	69	330
1905	Acts	70	157
1905	Acts	74	330
1905	Acts	79	330
1905	Acts	102	189,191-198
1905	Acts	124	158
1905	Acts	137	201
1905	Acts	138	201
1905	Acts	215	212
1905	Acts	230	179-181
1905	Acts	377	158
1905	Acts	456	142
1905	Acts	458	335
1905	Acts	516	246
1907	Acts	22	157
1907	Acts	110	246
1907	Acts	137	159
1907	Acts	219	330
1907	Acts	226	179
1907	Acts	262	157
1907	Acts	311	142
1907	Acts	335	142
1907	Acts	339	324
1907	Acts	351	212
1907	Acts	353	213
1907	Acts	370	330
1907	Acts	371	201
1907	Acts	474	95

YEAR	ACT	CHAPTER	PAGE
1907	Acts	476	324
1907	Acts	561	179
1907	Acts	602	383
1909	Acts	90	185
1909	Acts	109	142
1909	Acts	174	331
1909	Acts	176	142
1909	Acts	185	142,143
1909	Acts	194	331
1909	Acts	195	330,335
1909	Acts	327	280
1909	Acts	337	179
1909	Acts	355	214
1909	Acts	391	185
1909	Acts	411	157
1909	Acts	445	212
1909	Acts	458	280
1909	Acts	460	95
1909	Acts	474	246
1909	Acts	499	331
1909	Acts	507	383
1911	Private	36	280
1911	Private	64	161
1911	Private	65	179
1911	Private	88	161
1911	Private	195	286,287
1911	Private	217	93
1911	Private	218	95
1911	Private	226	69,201
1911	Private	237	74,85,134-136,144,325
1911	Private	238	88
1911	Private	255	142
1911	Private	256	142
1911	Private	276	331
1911	Private	280	95
1911	Private	300	333,335
1911	Private	325	213
1911	Private	364	331
1911	Private	369	154
1911	Private	423	331
1911	Private	429	95
1911	Private	430	280
1911	Private	538	93
1911	Private	640	179,180

YEAR	ACT	CHAPTER	PAGE
1911	Public	58	247
1911	Public	60	161
1913	Private	9	331
1913	Private	29	247
1913	Private	32	327
1913	Private	39	95
1913	Private	60	88
1913	Private	61	142
1913	Private	74	383
1913	Private	127	159
1913	Private	132	331
1913	Private	133	331
1913	Private	154	161
1913	Private	157	213
1913	Private	203	157
1913	Private	207	179
1913	Private	239	280
1913	Private	243	333,335
1913	Private	249	190
1913	Private	251	383,384,385,387
1913	Private	252	383
1913	Private	270	214
1913	Private	324	250
1913	Private	333	35
1913	Private (Ex. Sess.)	1	180
1913	Private (Ex. Sess.)	51	142
1913	Private (Ex. Sess.)	66	383
1913	Private (Ex. Sess.)	78	159
1915	Private	30	179,181
1915	Private	68	157
1915	Private	75	280
1915	Private	105	280
1915	Private	154	143
1915	Private	315	383
1915	Private	347	152
1915	Private	691	154
1915	Public	32	95
1915	Public	70	180
1915	Public	121	143,144
1917	Private	39	214
1917	Private	69	265
1917	Private	77	69,97,101,143, 188,203,359
1917	Private	78	286,287

YEAR	ACT	CHAPTER	PAGE
1917	Private	99	95
1917	Private	101	143
1917	Private	110	348
1917	Private	124	152
1917	Private	209	311,324
1917	Private	255	324
1917	Private	282	74,143
1917	Private	294	247
1917	Private	295	161
1917	Private	300	286,287
1917	Private	337	180
1917	Private	362	162
1917	Private	387	311,324
1917	Private	420	14,143,159
1917	Private	430	201
1917	Private	448	214
1917	Private	469	280
1917	Private	479	161
1917	Private	480	280
1917	Private	481	91
1917	Private	483	24
1917	Private	484	246
1917	Private	485	213
1917	Private	486	73
1917	Private	584	95
1917	Private	729	180
1917	Private	766	180
1919	Private	33	267
1919	Private	209	214
1919	Private	224	214
1919	Private	225	212
1919	Private	229	95
1919	Private	278	70,214
1919	Private	292	159,311,324
1919	Private	333	280
1919	Private	350	75
1919	Private	351	143
1919	Private	429	162
1919	Private	437	162
1919	Private	464	143
1919	Private	467	162
1919	Private	585	68
1919	Private	586	334
1919	Private	595	159

YEAR	ACT	CHAPTER	PAGE
1919	Private	617	202
1919	Private	618	387
1919	Private	627	383
1919	Private	641	24
1919	Private	662	325
1919	Private	749	88
1919	Private	752	247
1919	Private	755	359
1919	Private	756	280
1919	Private	774	180
1919	Public	61	369
1921	Private	8	369
1921	Private	54	5
1921	Private	55	383
1921	Private	74	95
1921	Private	89	280
1921	Private	115	159,335
1921	Private	140	159
1921	Private	162	389
1921	Private	163	391
1921	Private	164	389
1921	Private	165	389
1921	Private	166	286,287
1921	Private	173	159
1921	Private	242	327
1921	Private	322	214
1921	Private	338	383,384
1921	Private	354	291
1921	Private	406	71
1921	Private	422	383
1921	Private	455	281
1921	Private	457	159
1921	Private	523	143
1921	Private	550	291
1921	Private	593	157
1921	Private	651	162
1921	Private	667	157
1921	Private	772	88
1921	Private	784	281
1921	Private	792	280
1921	Private	926	153,369
1921	Private	937	159,335
1921	Private	961	153

YEAR	ACT	CHAPTER	PAGE
1921	Private	970	88
1921	Public	54	175
1921	Public	101	95,97,101,185,188, 203,212,359
1923	Private	163	249,391
1923	Private	201	212
1923	Private	241	76
1923	Private	273	281
1923	Private	274	286,287
1923	Private	277	162
1923	Private	358	160
1923	Private	381	271,277
1923	Private	385	142,143
1923	Private	386	213
1923	Private	418	180
1923	Private	420	159
1923	Private	425	143
1923	Private	704	143,291
1925	Private	40	384
1925	Private	115	159
1925	Private	155	160
1925	Private	156	162
1925	Private	157	75,76.79
1925	Private	158	143,159
1925	Private	159	159
1925	Private	224	286,287
1925	Private	261	88
1925	Private	273	272,273
1925	Private	294	157
1925	Private	307	68
1925	Private	320	383
1925	Private	388	281
1925	Private	389	143
1925	Private	401	213
1925	Private	405	45,390
1925	Private	408	389
1925	Private	409	389,412,413
1925	Private	417	185,202
1925	Private	422	327
1925	Private	423	331
1925	Private	424	143
1925	Private	428	395
1925	Private	429	214

YEAR	ACT	CHAPTER	PAGE
1925	Private	430	143
1925	Private	431	190,201,202
1925	Private	434	173
1925	Private	596	144
1925	Private	704	214
1925	Private	729	144
1927	Private	131	190,201,202
1927	Private	295	272
1927	Private	467	160,311,325
1927	Private	488	160
1927	Private	507	214
1927	Private	510	162
1927	Private	516	273
1927	Private	564	65
1927	Private	590	95
1927	Private	603	384
1927	Private	682	359
1929	Private	418	180
1929	Private	426	286,288
1929	Private	491	114
1929	Private	493	18
1929	Private	513	24
1929	Private	531	214
1929	Private	633	180
1929	Private	749	7
1929	Private	752	281
1929	Private	794	331
1929	Private	798	281
1929	Private	818	180
1929	Private	875	144
1929	Private (Ex. Sess.)	39	286,288
1931	Private	218	157
1931	Private	219	273
1931	Private	220	327
1931	Private	447	180
1931	Private	479	24
1931	Private	560	34,44
1931	Private	561	104
1931	Private	613	389,393,396, 400,407
1931	Private	891	101
1931	Public	38	185,202,212
1933	Private	202	383
1933	Private	368	384

YEAR	ACT	CHAPTER	PAGE
1933	Private	369	68
1933	Private	370	180,181
1933	Private	371	95
1933	Private	372	19
1933	Private	373	88
1933	Private	374	180
1933	Private	375	76
1933	Private	376	180
1933	Private	377	384
1933	Private	413	144
1933	Private	453	267
1933	Private	610	97
1933	Private	611	101
1933	Private	667	286,288
1933	Private	862	96
1933	Private	891	70,97,98,203,212,359,360
1933	Public	69	96
1934	Acts	590	102
1935	Private	16	160
1935	Private	18	144
1935	Private	103	154
1935	Private	158	291
1935	Private	178	248
1935	Private	179	249
1935	Private	180	202,262
1935	Private	181	261
1935	Private	182	255
1935	Private	387	247
1935	Private	398	96
1935	Private	407	259
1935	Private	408	80
1935	Private	497	187
1935	Private	522	286,288,292
1935	Private	625	400,413
1935	Private	706	105
1935	Private	707	393,395,398
1935	Private	724	41,44
1935	Private	782	341
1935	Private	823	151,154
1935	Public (Ex. Sess.)	12	246
1937	Private	1	68
1937	Private	2	66
1937	Private	6	74
1937	Private	266	175

YEAR	ACT	CHAPTER	PAGE
1937	Private	340	88
1937	Private	376	76
1937	Private	377	398
1937	Private	378	180
1937	Private	488	281
1937	Private	495	154
1937	Private	496	91
1937	Private	896	341
1937	Private	897	158
1939	Private	22	66
1939	Private	68	291
1939	Private	166	286,288,292
1939	Private	258	95
1939	Private	530	247
1941	Private	47	2,144
1941	Private	83	160
1941	Private	123	221,226,228,238
1941	Private	241	249
1941	Private	424	154
1943	Private	4	347
1943	Private	5	274
1943	Private	6	2,144
1943	Private	25	222,225
1943	Private	211	157
1943	Private	258	331
1943	Private	259	384
1943	Private	260	158
1943	Private	261	325
1945	Private	23	144
1945	Private	69	76
1945	Private	72	138
1945	Private	130	412,413
1945	Private	131	412,413
1945	Private	133	384
1945	Private	175	257
1945	Private	239	160
1945	Private	263	85,325
1945	Private	423	221
1947	Private	403	5
1947	Private	500	30
1947	Private	504	160
1947	Private	505	158
1947	Private	506	160
1947	Private	512	383

YEAR	ACT	CHAPTER	PAGE
1947	Private	513	384
1947	Private	514	158
1947	Private	515	331
1947	Private	516	160
1947	Private	517	359
1947	Private	518	96,214
1947	Private	528	160
1947	Private	529	21,30,32
1947	Private	530	161
1947	Private	531	161
1947	Private	532	161
1947	Private	533	161
1947	Private	711	281
1947	Private	713	162
1949	Private	164	162
1949	Private	235	223
1949	Private	236	181
1949	Private	237	250
1949	Private	238	384
1949	Private	357	179,181
1949	Private	496	281
1949	Private	497	325
1951	Private	152	247
1951	Private	155	266
1951	Private	156	384
1951	Private	157	181
1951	Private	158	66
1951	Private	159	96
1951	Private	160	70,97,101,188, 203,212,359
1951	Private	333	384
1951	Private	376	214,215
1951	Private	380	22-28,30
1951	Private	382	384
1951	Private	384	148,154
1951	Private	389	158
1951	Private	390	163
1951	Private	489	139
1951	Private	570	71
1951	Private	571	325
1951	Public	54	214,215,216
1953	Private	284	247
1953	Private	295	266
1953	Private	296	71

YEAR	ACT	CHAPTER	PAGE
1953	Private	297	88
1953	Private	298	181
1953	Private	299	76
1953	Private	300	384
1953	Private	301	70,98,101,188, 203,212,360
1953	Private	307	215
1953	Private	308	223
1953	Private	309	405
1953	Private	310	103
1953	Private	442	387
1953	Private	443	163
1953	Private	445	412,413
1953	Private	446	110
1953	Private	447	258
1953	Public	100	215
1955	Private	9	247
1955	Private	90	203
1955	Private	91	76,144
1955	Private	92	76,80,81
1955	Private	115	266
1955	Private	116	66
1955	Private	117	384
1955	Private	118	181
1955	Private	168	221
1955	Private	197	139
1955	Private	198	42,43,44
1955	Private	199	202,262
1955	Private	223	202
1955	Private	295	372
1955	Private	317	250
1955	Private	349	271
1955	Private	351	281
1955	Private	353	389,407
1955	Public	161	186
1955	Public	162	191
1957	Private	88	88
1957	Private	113	224,225
1957	Private	118	27
1957	Private	124	202
1957	Private	158	96
1957	Private	215	74-80,134,135
1957	Private	278	215
1957	Private	279	81-83,134,135

YEAR	ACT	CHAPTER	PAGE
1957	Private	280	212
1957	Private	282	215
1957	Private	299	224
1957	Private	300	223
1957	Private	301	250
1957	Private	302	384
1957	Public	294	182
1957	Public	318	193
1959	Private	56	2
1959	Private	96	215
1959	Private	97	215
1959	Private	119	314
1959	Private	120	148
1959	Private	121	144
1959	Private	122	325
1959	Private	143	88
1959	Private	177	384
1959	Private	182	247
1959	Private	184	357
1959	Private	185	210
1959	Private	186	72
1959	Private	202	102
1959	Private	205	250
1959	Private	212	144
1959	Private	213	66
1959	Private	214	67
1959	Private	222	292
1959	Private	223	251
1959	Public	191	143
1961	Private	121	181
1961	Private	133	215
1961	Private	134	215
1961	Private	135	215
1961	Private	189	351
1961	Private	252	181
1961	Private	301	324
1961	Private	343	281
1961	Private	372	337
1961	Private	376	333
1961	Private	377	385
1961	Private	402	144
1961	Private	405	346
1961	Private	410	413
1963	Private	152	178

YEAR	ACT	CHAPTER	PAGE
1963	Private	155	202
1963	Private	158	27
1963	Private	159	18,19
1963	Private	241	215
1963	Public	188	195
1963	Public	189	197
1963	Public	322	215,216
1963	Public	330	186
1963	Public	341	216
1965	Private	63	385
1965	Private	84	250
1965	Private	89	266
1965	Private	112	89
1965	Private	121	215
1965	Private	126	313
1965	Private	145	221,226
1965	Private	153	216
1965	Private	154	216
1965	Private	155	256
1965	Private	195	224
1965	Private	199	223
1965	Private	210	292
1965	Private	213	263
1965	Private	240	405
1965	Private	249	335
1965	Private	252	360
1965	Private	293	77
1965	Private	294	66
1965	Public	266	212
1965	Public	270	216
1965	Public	282	239
1967	Public	162	204
1967	Public	258	90
1967-68	Private	101	224
1967-68	Private	130	216
1967-68	Private	171	271,275
1967-68	Private	198	216
1967-68	Private	219	240,247
1967-68	Private	233	309,312
1967-68	Private	236	186,202,251
1967-68	Private	237	181
1967-68	Private	258	344
1967-68	Private	330	181
1967-68	Private	372	144

YEAR	ACT	CHAPTER	PAGE
1967-68	Private	437	79
1967-68	Private	438	221,228
1967-68	Private	439	307
1967-68	Private	470	410,413
1968	Public	487	216
1968	Public	564	144
1968	Public	580	216
1969	Private	48	83
1969	Private	86	216
1969	Private	87	178
1969	Private	91	145
1969	Private	97	154
1969	Private	117	324
1969	Private	131	375
1969	Private	164	339
1969	Private	182	181
1969	Private	189	309,311,325
1969	Public	147	183
1969	Public	272	86
1970	Private	211	216
1970	Private	242	345
1970	Private	243	77
1970	Private	247	313
1970	Private	254	89
1970	Private	275	11,145
1970	Private	289	88
1970	Private	293	281
1970	Private	313	266
1970	Private	314	281
1970	Private	315	66
1970	Private	316	181
1970	Private	320	100,371
1970	Public	358	206
1970	Public	400	216
1970	Public	603	216
1970	Public	604	217
1971	Private	57	89
1971	Private	110	54,132,145
1971	Private	167	319,325
1971	Private	168	294
1971	Private	169	297
1971	Private	173	375
1971	Private	187	242
1971	Public	63	217

YEAR	ACT	CHAPTER	PAGE
1971	Public	64	216
1971	Public	281	90
1971	Public	366	362
1971	Public	398	367
1971	Public	412	53
1972	Private	213	223
1972	Private	277	89
1972	Private	283	148
1972	Private	304	247
1972	Private	311	410
1972	Private	349	217
1972	Private	394	315
1972	Public	506	53
1972	Public	566	53
1972	Public	730	140
1972	Public	788	90
1972	Public	794	51
1972	Public	796	143
1973	Private	71	391
1973	Private	72	401
1973	Private	78	300
1973	Private	83	242
1973	Private	86	304
1973	Private	144	21,30
1973	Private	161	218
1973	Public	119	99
1973	Public	204	365
1973	Public	233	216,217
1973	Public	409	47
1974	Private	260	44,74,75,80,115,145
1974	Private	303	178
1974	Private	304	237
1974	Private	305	176
1974	Private	359	83
1974	Private	360	79
1974	Private	361	12
1974	Private	362	219
1974	Private	377	145
1974	Private	385	18,19
1974	Public	563	99
1974	Public	681	154
1974	Public	682	154
1974	Public	683	147
1974	Public	716	217

YEAR	ACT	CHAPTER	PAGE
1974	Public	717	217
1975	Private	107	325
1975	Private	127	292
1975	Private	156	306
1975	Private	157	317
1975	Public	289	90
1976	Private	199	117
1976	Private	220	256
1976	Private	283	221
1976	Public	544	208
1976	Public	734	217
1976	Public	806	48
1976	Public	810	217
1976	Public	847	48,53
1977	Private	32	121
1977	Private	45	292
1977	Private	46	121
1977	Private	80	285
1977	Private	92	118,137
1977	Private	96	118,123,133
1977	Private	111	11,12
1977	Private	121	22,32
1977	Private	123	220
1977	Private	128	54,56-58,60-62,64
1978	Private	199	238
1978	Private	251	145
1978	Private	298	132
1978	Private	299	132
1978	Private	300	132
1978	Private	306	132
1978	Public	755	205
1978	Public	760	154
1978	Public	868	217
1978	Public	934	94,360
1979	Private	36	123
1979	Private	37	118,132
1979	Private	96	56
1979	Private	97	63
1979	Private	99	393
1979	Private	112	118,123,133
1979	Private	147	351
1979	Private	165	75,116,117,134, 136,137
1979	Private	263	181

YEAR	ACT	CHAPTER	PAGE
1979	Public	190	292
1979	Public	249	360
1980	Private	235	411
1980	Private	243	132
1980	Private	250	186,251
1980	Private	253	117
1980	Private	274	145
1980	Private	292	54,56,57
1980	Public	757	49
1981	Private	61	145
1981	Private	103	132
1981	Private	141	3
1981	Public	475	362
1982	Private	225	121,132
1982	Private	255	118
1982	Private	277	118,123,132,133
1982	Public	772	230
1983	Private	70	132
1983	Private	73	132
1983	Private	74	116
1983	Private	82	139
1983	Private	109	219
1983	Private	110	12
1983	Private	125	132
1983	Private	126	145
1983	Public	34	234
1983	Public	36	235
1983	Public	120	234
1984	Private	191	132
1984	Private	192	54,58,61,63
1984	Private	210	350
1984	Private	248	91
1985	Private	16	132
1985	Private	28	249
1986	Private	134	273
1986	Private	159	145
1987	Private	85	380
1989	Private	110	12
1991	Public	426	231,234
1992	Public	535	279
1994	Private	173	12
1995	Private	74	380
1996	Public	812	269

YEAR	ACT	CHAPTER	PAGE
1997	Private	95	12
1999	Public	190	335
1999	Public	365	231,234,236
2001	Private	57	
2004	Private	118	
2005	Private	37	